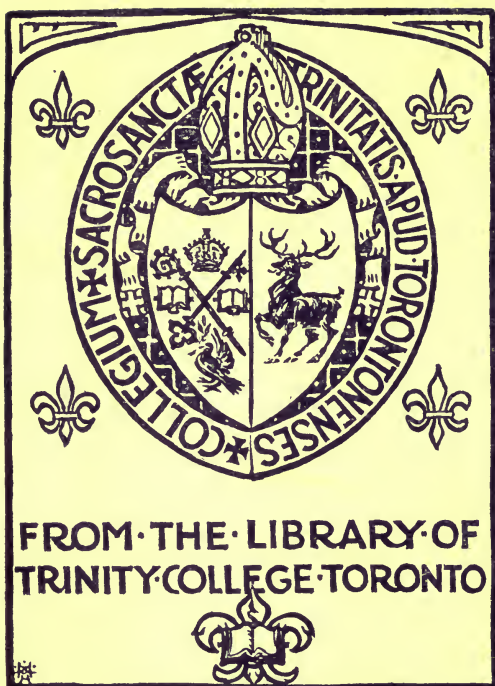


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THE
RITUAL LAW OF THE CHURCH;

WITH ITS

APPLICATION TO THE COMMUNION AND
BAPTISMAL OFFICES.

TO WHICH IS ADDED

NOTES UPON ORDERS, THE ARTICLES, AND
CANONS OF 1603.

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AUTHOR OF THE "LAW OF THE CHURCH," AND "ECCLESIASTICAL LAW IN THE
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O dearest Mother ! what they miss
The mean—thy praise and glory is,
And long may be—
Blessed be God, whose love it was
To double-mote thee with his grace,
And none like thee.

HERBERT.

ANALYTICAL TABLE.

CHAPTER I.

THE RITUAL LAW OF THE CHURCH.

SECTION.

1. Prefatory Remarks.
2. Meaning of Terms.
3. Rites, Ceremonies, and Ornaments.
4. Ecclesiastical and Canon Law distinguished.
5. General Propositions.
6. Progress of Revision before 1547.
7. Uses : Use of Sarum.
8. License to Cranmer, 1547.
9. Injunctions of 1547.
10. Book of Homilies.
11. The Litany.
12. Resolutions as to Holy Communion, 1547.
13. Act for Reception in Both Kinds.
14. General Repealing Act, Edward VI.
15. Order of Communion of 1548.
16. Preparation of the First Book.
17. Ratification of Convocation.
18. Acts 2 and 3, Edward VI., 1549. The Book of Common Prayer.
19. Act Abolishing Romish Books.
20. Ordinal of 1550.
21. Statute of 1552 as to Second Book.
22. Statute as to Holy Days.
23. Remarks on the Reforms of Edward VI.
24. Act of 1 Mary, 1553.
25. Act of 1 Elizabeth restoring Jurisdiction.
26. Act of 1 Elizabeth as to Book of Common Prayer.
27. Act of 13 Elizabeth, 1571, as to Sound Religion.
28. The Thirty-nine Articles.
29. Changes in the Reign of James I.
30. Repealing Act of James I.
31. Canons of 1603.
32. Book of Charles II., 1662.
33. Act of Queen Anne, 1706.
34. General Conclusions.
35. The Colonial Church.
36. Position between 1776 and 1789.

SECTION

37. Action of 1785—Proposed Book.
38. Action of 1786.
39. Convention of 1789 and Conclusions.
40. Action in 1868 and 1871.
41. Force of English Decisions.

CHAPTER II.

THE ORDER OF THE HOLY COMMUNION.

1. Comparative Table.
2. The First Exhortation.
3. The Second Exhortation.
4. English Rubric as to Notice of Intention.
5. Rubric as to Evil Livers, etc.
6. Rubric as to the Table, etc.
 - [1.] Covering of the Table.
 - [2.] Position of the Table.
 - [3.] Position of the Minister.
 - [4.] North Side. Right Side.
 - [5.] The People Kneeling.
7. The Lord's Prayer. The Collect.
8. The Commandments.
9. The Summary.
10. The Collect.
11. Collect of the Day. Epistle. Gospel.
12. The Creed.
13. Notice of Holy Days.
14. The Sermon. The Offertory.
15. The Alms, etc.
16. Placing the Elements. A Credence.
 - (1.) The Posture. (2.) The Prayer. (3.) Alms and Oblations.
17. The Exhortation.
18. The Invocation.
19. The Confession.
20. The Absolution.
21. The Comfortable Words.
22. Sursum Corda.
23. "It is very Meet," etc.
24. The Te Igitur.
25. The Ter Sanctus.
26. The Prefaces.
27. Prayer of Access.
28. Ordering the Elements for Consecration. Posture during Consecration Prayer, etc.
29. Consecration. Oblation. Invocation.
30. Marginal Rubrics.
31. Position on Receiving. Position of the Celebrant on Receiving.

SECTION

32. Words of Delivery. Words on Receiving.
33. Further Consecration.
34. Covering the Remnants.
35. The Lord's Prayer.
36. The Thanksgiving.
37. Gloria in Excelsis.
38. The Benediction.
39. Collects.
40. Rubric as to the Ante-Communion.
41. Disposition of Remaining Elements. Omitted Rubrics:
42. Numbers for a Communion.
43. Frequency of Communion.
44. The Bread and Wine.
45. By whom Provided.
46. Disposition of the Alms.
47. Rubric as to Ornaments.

CHAPTER III.

OTHER POINTS CONNECTED WITH THE COMMUNION.

1. Withdrawal of Non-Communicants.
2. The Mixture.
3. Incense.
4. Bowing to the Altar.
5. Lights on the Holy Table.
6. Elevation of the Elements.
7. Material of the Table.
8. Reverences in General.
9. Vestments.

CHAPTER IV.

BAPTISM OF CHILDREN.

1. Historical Notices.
2. Days of Ministering.
3. Sponsors.
4. Notice to the Minister.
5. Time of Performance of the Rite.
6. The Font.
7. Question as to prior Baptism.
8. The Address.
9. The Prayer for Sanctification.
10. The Alternative Prayers.
11. Rubric as to the Gospel.
12. The Gospel.
13. The Exhortation upon.
14. Address to the Sponsor.
15. Questions to Sponsors.
16. The Petitions.

SECTION

17. The Act and Words.
18. The Chrism and Unction of 1549.
19. The Cross upon the Forehead.
20. The Declaration and Invocation.
21. The Lord's Prayer.
22. The Thanksgiving.
23. The Exhortation to Sponsors.
24. The Preparation as to Confirmation.
25. Omitted Rubrics.
26. Private Baptism.
27. Conclusions as to such.
28. The effect of Baptism upon Infants.
29. Union of Water and the Spirit.
30. Tenets of other Churches.
31. The Gorham Case.
32. Who are to be baptized.
33. Unbaptized Infants.
34. Lay Baptism.
35. Sin after Baptism.

CHAPTER V.

ORDERS.

1. Reference to English Ordinal.
2. Action of 1792.
3. Canons of 1789 as to Orders.
4. Episcopal Ordination, required in the Church.
5. Province of the Laity in choosing Bishops.

CHAPTER VI.

THE ARTICLES.

1. Prefatory Remarks.
2. The English Articles. Historical Notices.
3. History and force of in the American Church.
4. Comparison of the Articles of 1552 with those of 1801.
5. General Character and Object.
6. Their Opposition to Romish Dogmas.
7. Their Alleged Calvinistic Character.
8. Nature and Effect of Subscription.
9. Rules of Interpretation.

CHAPTER VII.

CANONS OF 1603.

1. Act of Submission, 25 Henry VIII. Effect of.
2. Their Force and Obligation.
3. Their Influence in the American Church.

SECTION

4. The 18th Canon.
5. The 30th Canon.
6. The 99th Canon—Levitical Degrees.

CHAPTER VIII.

Episcopal Authority in Ritual of each Bishop in his Diocese upon Doubtful Matters.

Resolutions of the House of Bishops.

Joint Resolution and Exposition of the two Houses.

INTRODUCTION.

EVERY member of the Protestant Episcopal Church must, at times, have felt the wish to inquire into the nature and grounds of the faith he professes, of the institution and authority of the ministers in holy things whose office he recognizes, and the sources and sanction of those forms of worship with which he approaches his Maker for pardon and blessing. He is in the habitual use of a Book of Common Prayer and Administration of the Sacraments and other Rites, established in the year 1789 by the Bishops, Clergy, and Laity of the Protestant Episcopal Church in the United States of America. He finds that in the year 1792, a Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, was set forth by the same authority; and he finds that, in the year 1801, Articles of Religion were in like manner established and promulgated.

When he examines these various formularies, he discovers that the Book of Common Prayer, in the Creeds and elsewhere, contains a summary of all the great doctrines of Faith, and, with the Articles, embodies all that the Church holds necessary, yet deems essential for him to believe and avow. He finds that the form and manner of setting apart her ministers is accompanied with the declaration, that it is evident to all men diligently reading the Scriptures and ancient authors, that from the Apostles' time there have been three Orders of Ministers in Christ's Church—Bishops, Priests, and Deacons. And he finds that the forms of his public worship are prescribed, and all others scrupulously prohibited.

Thus is he taught, that in this volume are comprised all the leading truths of the Christian Religion; that there is a Church upon earth divinely appointed to preserve and to

spread these truths ; that its orders and ministry do not trace their origin to human will, but to the sanction and command of God ; and that there have been fashioned for him forms of thanksgiving and prayer, matchless in beauty and shining in holiness, with which a creature may fittingly appear before his Maker, and a sinner before his Redeemer. Struck with the magnitude and solemnity of these assertions, well may the question come upon him, Are these things so ? Have we here such ample provision for the nourishment of holiness, and the salvation of the soul ?

For many years of the author's life, this has been, at intervals, the theme of his thoughts and his studies. The result is, a deep conviction that all these claims are warranted and true ; that this, our branch of the Catholic Church, stands now the foremost in the Christian world, as embodying in her formularies, more perfectly than any other, the essentials of the faith of the Saints, the immutable rule of transmitted apostolic orders, and the sacred forms of the worship of purest spirits in devotional ages. To all which this Book of Common Prayer prescribes or inculcates, we of the laity owe as full allegiance as any of the clergy. Our duty is as absolute as theirs to guard it from violation, whether by adding to or diminishing from it. We must also seek to understand its meaning and its rules.

In the following pages I have sought to explain that important portion of it which contains the Ritual law of the Church, its application to the two sacraments, and also to examine the important subjects of Orders and the Articles. These combine the teachings of the Church as to the faith, the nature, and effect of the Sacraments, the claims of the sacred ministry, and the forms and order of the services.

No one can be more sensible than myself of the little value these pages possess for the matured theologian ; but they may prove of service to my brethren of the laity. The vast labors which for some years past have been devoted to the subjects of Theology, the expositions critical and historical they have received, the severity of examination they have borne, and the condensation of vast stores of learning

in compendious treatises, have tended to lessen the distance between the erudite and the unschooled. To gather, to compare, to reason, and to conclude may not be now mere presumption and lawless intrusion in one, whose professional and judicial habits have taught him at least the lessons of cautious investigation of evidence and argument.

I write at a period when Christianity is menaced with greater perils than she has ever before encountered. It may be that the evening of life has deepened solicitude into alarm, but the new phases of infidelity are more insidious and more dangerous than all that preceded them.

In one of these developments we no longer hear the cry, Christianity can have no future; her superstitions and her fables are vanishing before the light of reason. The cry is, instead, Christianity lives and will live, but a Christianity without a Church or a Priesthood, bereft of prophecy as either so obscure as to be worthless, or, if luminous, false; and robbed of miracles as either delusions or fabrications. Sin, atonement, and redemption are struck from religion; the sacraments abolished, or dwindled to the shade of a memorial of the death of a holy man. Instead of a God descending in humanity to the earth to restore it to its Maker, we have in Jesus Christ the most spiritualized of human beings, teaching lessons of the highest morality, inculcating mercy and peace, and lifting the soul from corruption and vice. Sympathy with this pure Spirit, by imbibing His precepts of personal virtue, and imitating His acts of charity, forms the true disciple of Christ, and is the recovered purified Christianity.*

There is another development of modern unbelief which goes beyond this. That which the inductive sciences can establish is all that the mind of man is competent to deal with, and therefore all he can logically make the subject of

* Any one in the habit of reading the Westminster Review must be struck with the multitude, persistency, and ability of the assailants of religion. In the number for January, 1866, six works are noticed in which science, philology, historic criticism, and rationalism are employed against her. Humanitarianism tinged with poetic beauty, is the nearest approach to the religion of the Gospel.

his thoughts. The whole fancied domain of intellect beyond this, including all that belongs to spirituality, is an ever-baffled attempt to penetrate the impenetrable. All religions, all forms and presentments of theology, are the struggles of an incompetent power to explore what cannot be known. Every flight of the mind beyond the limits of the material world has led to shadows, illusions, or falsehoods. The earth and its wonders, the heavens and their marvels, are the scenes for the soul to dwell in and examine. If it wander from these, it must return drooping and discomfited. It may be true that a God may thus be found; for immensity, system, and the manifestations of immeasurable power demand one. If we cannot thus discover him, he cannot be shown to exist; he does not exist.

In our own country, amid every variety of disbelief, the great danger is in the prevalent spirit of contempt of authority; each one framing for himself a creed and worship; shifting often from sect to sect, to test its conformity with his own ideal. Hence the adoption, by some, of the most pregnant symbols of Romish error into our services; hence the melancholy spectacle of a mutilated Prayer-Book. It is the duty of all to struggle against these evils; especially is it the duty of those who have the privilege of belonging to the true Catholic Church in the United States. Let us vindicate and press her claims in all their integrity. Let us present her unequalled toleration for those whose errors she condemns, and her decided intolerance of those errors. Let us rejoice in her exclusiveness because of her absolute truth. But to urge these truths with success—to gather in those who have the misfortune not to be within her fold, we ourselves must earnestly believe and feel. The fire must be bright in our own hearts if we would succeed in kindling it in those of others.

It is in the hope that this belief may be confirmed and strengthened in my Brethren of the Laity, that I have ventured to treat of the great subjects contained in the following pages.

ERRATA.

- Page 13, line 9, for "§ 8," read "§ 13."
" 28, " 25, for "1601," read "1661."
" 32, " 26, for "1559," read "1552."
" 40, " 22, for "form," read "force."
" 56, " 15, after "year," insert "1820."
" 99, " 21, for "*He*," read "Mr. Robertson."
" 107, " 4 from bottom, insert word "case."
" 110, " 3 " for "and," read "made."
" 181, " 28, after word "work," insert "in."
" 192, note, for "John," read "Ine."
" 249, line 21, for "Grace," read "Rite."
" 321, " 13, for "XVI." read "XXXVI."
" 337, " 12, after "interpretations," insert "I."

It is suggested that the reader make these corrections with a pen.

THE RITUAL LAW OF THE CHURCH.

CHAPTER I.

§ 1. Prefatory
Remarks.

WE propose to submit some considerations upon the state and sources of the law of ritualism in our Church, and to examine the Communion Office, and the Rubrics in it, by the rules of that law. We conceive that many wild and indistinct notions are prevalent among us upon this subject; and many of these not merely erroneous, but full of errors of a very dangerous character, especially when applied to the Holy Communion. That libertinism of opinion which would allow a minister to search for a guide, over every field of forms and observances in any age, endangers truth, and is fatal to uniformity.

§ 2. Meaning
of Terms.

We shall first explain the sense in which we use certain terms.

A Ritual, according to Dr. Hook, is a Manual in which is given the Order and Forms to be observed in the celebration of Divine Service, the Administration of the Sacraments, and, in general, all the matters connected with external order in the performance of sacred offices.

Ritual is also an adjective, and Ritual Law may be defined to be the law relating to sacred offices.

Ritualis, from *Ritus*, is the Latin adjective, and the term *Rituales Libri* designates books of sacred rites, *Libri de ritibus sacris*. (*Forcellini in verbp.*)

The English Ritual resembles the Greek in combining all the offices in one volume. The Euthologium, or Ritual of

the Greeks, comprises the offices of Morning and Evening Prayer, the Liturgy or Eucharist, Baptism, the Litany, Orders, etc.

But there are divisions of this general subject. The Preface to the English Book of Common Prayer, recited partly in our own, exhibits some of them. The Particular Forms of Divine Worship are distinguished from the Rites and Ceremonies to be used therein.

By the first phrase, we understand the language, course, and order in which any portion of Divine Worship is expressed or regulated. The latter clause is of less definite meaning.

§ 3. Rites and Ceremonies.

A distinction is taken between a Rite and a Ceremony. Sir Robert Phillimore states it thus:* "There is a legal distinction between a Rite and a Ceremony; the former consisting in services expressed in words, the latter in gestures or acts, preceding, accompanying, or following the utterance of those words." He quotes Gavante, an eminent Roman Ritualist, as saying, "I distinguish a Sacred Ceremony from a Rite by saying that Sacred *Rites* consist in those Prayers, Epistles, Gospels, etc., which, according to the rule of the Church, are to be recited in the Mass; but a Ceremony, to consist in those acts, with which the said Prayers, according to the like order, are to be used for the greater beauty and decency of the Sacrifice which is celebrated."

In several of the authorities quoted by Sir Robert, another definition is found. A Ceremony is something exterior, added (*adhibitus*) to a Rite which is a portion of Divine service. Thus Bona says, "Ceremonies (if we would speak accurately) are joined to the worship of God in the Sacrifices of a Holy Rite, and in Divine offices."

Johnson defines a Ceremony an outward Rite and external form in Religion. Dr. Hook states the difference thus: "A Rite is an act of religious worship, whether including a Ceremony or not. A Ceremony is any particular of religious worship included in a Rite, which prescribes

* Machonochie Case.

action, position, or even the assumption of any particular vesture.”*

But we think the true difference is best shown in the English Statutes of Uniformity and in the eighth article of the Constitution of our Church. There is specified “a Book of Common Prayer, Administration of the Sacraments, Articles of Religion, the Ordering of Bishops, Priests, and Deacons, and other Rites and Ceremonies.”

The term *Rites*, then, comprises all the other offices not specially mentioned, such as the Catechism, Confirmation, the Burial Service, etc., as well as those enumerated; and Ceremonies are the outward Forms attendant upon, and used in, all such Rites.

Still the subject is not exhausted. These are Ornaments. Articles employed in the Services. The term Ornaments, used in the celebrated English Rubric, means *Instrumenta*, one of the senses given in the Dictionary of Forcellini. There are Ornaments of the Church and of the Minister. The latter are vestments. All articles used in the performance of any divine office or rite are ornaments of the Church. The following is an illustration of these diversities: A Communion Office is set forth. It is a portion of Divine Worship. It must be read in full, “without addition or diminution.” In the course of this office the minister is directed to take the Paten and Cup into his hands. This is a Ceremony. The Paten and Cup are *Instrumenta* ornaments of the Church. The Surplice in which the minister is to perform the services is his ornament.

So in the marriage office, the form, order, and language are prescribed. This is a Rite. The minister’s receiving the woman at her father’s hands is a ceremony in such Rite.

Thus, then, when we speak of the Ritual Law, we understand and comprise the rules which govern in the services of the Church, in using the language, following the order, observing the ceremonies, and employing the ornaments as directed.

* Tit. Ceremonies.

§ 4. Ecclesiastical Law. Thus explained, the Ritual Law is a branch of the Ecclesiastical or Canon Law in its extended sense. The great mass of the Canons of the Church relate to subjects distinct from Ritualism.

§ 5. General Propositions. With these prefatory remarks, we proceed to state some propositions which we deem important and tenable.

The Ritual Law which prevails in our Church is to be found primarily and chiefly in a successive revisory legislation which (with few qualifications) began in the second year of Edward VI. (1549), and closed (with some subsequent additions) in our Book of Common Prayer and Offices in 1789.

That the formularies which contain that law are, our own provisions, Constitutional or Canonical; our own Service Books; the Service Books of the English Church; Acts of Parliament with restrictions afterward stated; the decisions of tribunals, and the comments of the learned.

In every inquiry as to the influence of an English rule or authority in our Church, some leading principles are to be regarded.

Nothing is to be considered lawful unless it has received the sanction of the English Church. That sanction is only given by Convocation, which is such Church by representation. The force of a rule which has this sanction is not impaired by the fact, that for its legality in England, some other than Ecclesiastical power must have joined in its enactment. Such a union, we hold, for spiritual matters, and as to spiritual persons, to be needless, but it cannot impair the force of the action of the Church.

Without affecting the unity of our own with the English Church, we are at liberty to discard everything which has only the authority of Parliament or of the King. Yet the acts of either may be resorted to, either when concurred in by the Church, or as expositions of her own enactments. And this is the more important, because it is understood that the great Statutes of the Reformation in the time of Edward VI. were drawn by Churchmen in authority.

And, chiefly, an Act of Parliament is essential in a variety of matters partaking of a spiritual character, to operate upon the Laity. Parliament contains a representation of the Laity, so that the assent of the latter to a law passed by it is legally inferred.

These propositions are hereafter again noticed and illustrated. One remark may, however, be here appropriately made. While Sir Robert Phillimore, in the *Machonochie Case*, admits that the law which is to guide him may be found in Statutes without the known concurrence of the Church, he says, "that happily such cases are of rare occurrence." In such cases, we, in consonance with the earlier freedom and constitution of the Anglican Church, may disregard whatever has not such concurrence.

Our proposition is, that the Ritual Law of our Church is to be found primarily and chiefly in a series of Revisory legislation, practically commencing in the second year of Edward VI., and ending with the action of our Church in 1789. There is some legislation of a later date hereafter noticed. The principle of Revision involves the fact of continuity. And this view and principle renders the first Book of Edward of primary importance.

§ 6. Progress of
Revision before
1547.

"In 1516," says Mr. Freeman, "we discern the first indication of a steady design, never afterward abandoned, of amending the existing condition of the Ancient English Service Books. In that year appeared a revised edition of the Ordinary Office of the Use of Sarum. This edition reappeared in 1531. In 1534, the publication of the older editions of the Office Books ceased. In 1541, Archbishop Cranmer moved in Convocation that the Liturgical Books might be reformed. In 1542, a Committee of Convocation was appointed by which the Service Books in the Church of England were to be newly examined, corrected, and reformed."*

§ 7. Uses. Sa-
rum.

Mr. Maskell in his preface discusses the nature of the former Uses, their prevalence, and the meaning of the term. In opposition to a body of writers

* Freeman's Principles, etc., Vol. 2, p. 101.

then coming into notice, he proves that, "when we speak of the Use of the Church of Salisbury, or of York or Hereford, not only need we not include the chants and music, but rather, if we wish to be precise, altogether exclude the consideration of them.

"Whether a particular Diocese of England adopted the Use of Sarum, or the Use of Hereford, would depend upon the acceptance of its Manual and Missal, and other Service Books, and have no necessary reference to its mode of intonation."

"I think it quite clear that the First Common Prayer-Book of King Edward, and all the successive ones, were not aimed at the abolition of variations of music, but of a variety of prayers and rites and ceremonies. [*Ancient Liturgies.*]"

No greater aid could be given to the cause of extravagant Ritualism than to establish the fact, that the declaration in the preface to the Book of Common Prayer was aimed at differences in music only.

The Use of Sarum comprised the Breviary or Daily Services, the Missal containing the Mass, and the Manual of Occasional Services. It is stated to have been compiled by Osmond, Bishop of Salisbury, about the year 1065. This "Custom Book," as it was termed, was used, about the year 1200, in nearly all England, Wales, and Ireland. [Procter, *Book of Common Prayer*, p. 4.]

These public offices were contained in many distinct books. The names are found in the *Portiforium Secundum Usum Sarum*, printed in 1564. The principal were the Mass Book, the Grailes, the Processionals, the Manual, and Primer. [*Maskell, Litur.*, viii.]

§ 8. License to Cranmer. Edward VI. came to the throne on the 28th of January, 1547. The first act of his reign was a license to Archbishop Cranmer, of February 1, 1547, issued by the Privy Council in the King's name, and at the request of the Archbishop, authorizing him to ordain within his Diocese, to present to Benefices, institute and invest, and, if occasion required, to deprive; and enumerating his other offices. The Commission was *durante beneplacito*. He has hence been

called in some writings the commissary of our Lord King Edward.*

It is to this license that Lord Macaulay refers, when he states that the Bishops regarded the Sovereign as the true source of spiritual authority. Bishop Williams, of Connecticut, proves this to be, what he terms, in charity, a great mistake;† what we call a gross misrepresentation.

We may add, that the second statute passed in this reign refutes the historian.‡ The true state of the case is, that the collation and gift of Archbishops and Bishops within the realm, belonged to the King. His assent, in a secular view, and for secular purposes, was necessary. But nothing indicates the slightest pretension of a right to confer spiritual authority. *Congés D'Elire*, and this statute of Edward, declare indeed that no Bishop can exercise his functions in the realm without the King's consent, but there is not a shadow of a claim to confer such functions.

Nor does the sixth section of the Act of Edward VI., cap. 12, declaring the King to be the Supreme Head of the Church under God, involve such an assumption. It is explained by Queen Elizabeth in one of her Injunctions of 1559, and in the 37th Article of 1571. It is the supreme rule over all estates and degrees in the realm civilly.

§ 9. Injunctions of 1547. The Injunctions of April, 1547, followed. They are to be found in Strype's Cranmer, vol. 2, app. 34. They are of value and interest historically, and as explanatory of intent. Their legality has been greatly disputed. Upon the principles we have advocated, they were unlawful, except so far as they may have received Synodal sanction. Some of them are embodied in rules of the Church in force to this day; such as residence, and reconciliation before communion. They are hereafter occasionally referred to upon special points.

§ 10. The Book of Homilies. In the same year (1547), the Book of Homilies was adopted. The number was twelve. They

* Strype's Memoirs of Cranmer, 2, 2; Burnet's Hist. of the Reform., 11, p. 2, Book I., n. 2.

† Am. Ed. of Brown's Articles, p. 808.

‡ Statutes at Large, Vol. 2, p. 386; An Act for the Election of Bishops.

had been brought into Convocation in 1542. There is no record of their having been formally approved at the time, but the evidence favors the supposition.*

They were fully recognized by the Convocation of 1553, and, with twenty-one more, were enjoined to be used by the Convocation of 1563, thus making the thirty-three Homilies sanctioned by the 35th Article.

The twelve Homilies in the First Book are attributed to Cranmer, Ridley, and Latimer. The Second of these Books, sent forth in 1562, is supposed to have been prepared chiefly by Jewell. The 35th Article of the English Church provides that the Second Book of Homilies, the several titles of which we have joined under this Article, doth contain a goodly and wholesome doctrine, and necessary for these times, as doth the former book of Homilies, which was set forth in the time of Edward VI., and therefore we judge them to be read in Churches by the Minister diligently and distinctly, that they may be understood of the people." Twenty-one Homilies are then mentioned by their titles. Our own 35th Article is the same, but a note is added: "This Article is received in this Church, so far as it declares the Book of Homilies to be an explication of Christian doctrine, and instructive in piety and morals. But all references to the constitution and laws of England are considered as inapplicable to the circumstances of this Church, which also suspends the order for reading of said Homilies in Churches until a revision of them may conveniently be made, for the clearing of them as well of obsolete words as from the local references."

The Homily against Rebellion affords many examples of what is inapplicable with us, because relating to the civil constitution of the Realm of England.

§ 11. *The Litany.* The course of action respecting the Litany was as follows: A Convocation of Canterbury was held in 1544. Shortly after, a book was published called "A Litany with Suffrages," to be said or sung in the time

* Sacred Synods, p. 427; Brown's Articles, p. 782; Book of Homilies, Preface,

of such Processions. In its title is this passage: "An Exhortation to prayer, thought meet, by the King's Majesty and his Clergy, to be read to the people in every Church afore Processions."*

To a great extent this had been used for one hundred and fifty years as part of the Prymer, printed in English as well as Latin. It was now revised by Cranmer, using the old Litanies, and one prepared from the same sources by Melancton and Bucer for the Archbishop of Cologne.†

As thus modelled, and with few exceptions, this is the Litany used in the English Church, and in our own, to this day.

The form of Supplication and Response is found in the Apostolic Constitutions.‡

The form called *Missalem Litaniam* is markedly like our present Litany. A striking example is cited by Mr. Procter (p. 251) of a form in the ninth century. The words "miserable sinners," in the four first supplications and answers, and the words "proceeding from the Father and the Son," were added in 1544. (Annotated Prayer-Book, p. 49.)

It is well termed "a most careful, luminous, and comprehensive collection of the scattered treasures of the Universal Church." (Jebb.)

About the fourth century, the term came to be applied to solemn offices performed by clergy and people at Processions. The Arians assembled about the porticoes and sang hymns, and at dawn on Sundays went out of the gates singing antiphonally all the way. St. Chrysostom, to prevent their misleading the people, established Processions on a splendid scale, and silver crosses were provided for those bearing wax-lights. These Processions were condemned early in the Reformation. One of the Injunctions of Edward is as follows: "To avoid all contention and strife, by reason of fond courtesy and challenging of places in Processions, and also that they may more quietly hear that which is said

* Joyce's Sacred Synods, p. 418.

† Procter's Book of Common Prayer, p. 17.

‡ Lib. viii. 6; Bingham, xvi. 2.

or sung to their edifying, they shall not, from henceforth, in any parish Church, at any time, use any Procession about the Church or churchyard, or any other place, but immediately before High Mass, the Priests, with others of the Quire, shall kneel in the midst of the Church, and sing or say, plainly and distinctly, the Litany which is set forth in English, with all the Suffrages following; and none other Processions or Litany to be had or used but the said Litany in English, *not* adding thereto, but as the King's Grace shall hereafter appoint." The illegality of these Injunctions does not rob them of their force as evidence of the views of the Reformers, or as means of interpreting subsequent provisions.

When Cranmer revised the Liturgy, in 1544, he left out a series of Supplication to Saints found in the Anglo-Saxon Litany of the ninth century, but retained the following: "Saint Mary, Mother of our God and Saviour Jesus Christ, pray for us."

"All Holy Angels and Archangels, and all Holy Orders of blessed Spirits, pray for us."

"All Holy Patriarchs and Prophets, Apostles, Martyrs, Confessors, and Virgins, and all the blessed Company of Heaven, pray for us."

These were omitted in the Litany of the First Book of Edward, and from all the subsequent books. The Scottish Book of 1637 also left them out.

That Cranmer and his associates omitted these invocations is a proof of the progress of the Reformation and of their wisdom. Yet we are warranted in distinguishing between a Supplication to God, that the prayers of Angels and of Saints may avail with Him on our behalf, and a prayer to them for direct and efficacious succor. The twenty-fifth Session of the Council of Trent sanctions both kinds of Supplication. The great mass of Liturgies confine it to the first kind. They assume that the saints departed pray for the saints militant, and the thought is, the beseeching of God to hear their intercessions. The canon of the Mass of Salisbury is of this nature—*Quorum*

meritis precibusque concedas, ut in omnibus protectionis tue muniamur auxilio. So, in the Liturgy of St. John Chrysostom, we have—For St. John the prophet; for the Saint N., whom we commemorate, and all other thy Saints, for the sake of whose prayers, O God, look upon us.”

§ 12. Resolution of 1547 as to the Communion.

Convocation, as well as Parliament, met in November, 1547. In the former body, on the 30th of November, the Prolocutor exhibited the form of a certain ordinance delivered by the Archbishop of Canterbury for receiving the Body of our Lord in both kinds. On the 2d of December, a resolution of all the members of the Session, sixty-four in number, approved the proposition, *nullo reclamante*.”*

§ 13. Act for receiving in both kinds.

Then followed the Statute of Edward VI., cap. 1: “The Act against such as shall irreverently speak of the Sacrament of the Altar, and of the receiving thereof in both kinds.”† The preamble of the seventh section declares “That it is most agreeable to the first institution of the Sacrament, and most conformable to the practice of the Apostles, and the primitive Church, by the space of five hundred years after Christ’s ascension, that the said blessed Sacrament should be administered to all Christian people under both kinds of Bread and Wine than under the form of Bread alone, and that it was also most agreeable to the first institution of Christ, and to the usage of the Apostles, and the primitive Church, that the people, being present, should receive the same with the Priest, than that the Priest should receive it alone;—it was then enacted, that the said blessed Sacrament be hereafter commonly administered and delivered unto the people under both kinds, that is to say, of Bread and Wine, except necessity otherwise require.” “And also, that the Priest which shall minister the same, shall, at the least one day before, exhort all persons which shall be present to resort and prepare themselves to receive the same. And when the day prefixed cometh, after

* Strype’s Cranmer, 2, p. 40; Procter, p. 19.

† Statutes at Large, 2, 384.

a godly exhortation by the Minister made, wherein shall be further expressed, the benefit and comfort promised to them which shall worthily receive the said Holy Sacrament, and the danger and indignation of God threatened to them which shall presume to receive the same unworthily, to the end that every man may try and examine his own conscience before he shall receive the same; the said Minister shall not, without a lawful cause, deny the same to any person that will devoutly and humbly desire it; not condemning hereby the usage of any Church out of the King's dominions."

We have in this statute some of the most impressive and solemn sentences of an Exhortation in our Communion Office.

§ 14. General
Repealing Act
of Edward.

The third section of the Act of 1 Edward VI., cap. 12 (1547), was as follows: "The Acts of Parliament and Statutes touching religion or opinion, that is to say, the Act of Richard II., of the 2d of Henry V., of the 25th of Henry VIII., concerning the punishment of Heretics and Lollards, the Statute commonly called the Six Articles, made in the thirty-first year of King Henry VIII., the Act of the 16th of January, in the thirty-third year of Henry VIII., the Statute made in the thirty-fifth year of his reign, concerning the qualification of the Statute of Six Articles, and all and every other Act or Acts of Parliament concerning doctrine or matters of religion, shall from henceforth be repealed, and be void and of none effect."

The Act of 25 Henry VIII., thus repealed, had re-enacted the old statutes for the punishment of Heretics. The Act, as to the Six Articles, was passed in 1539, and was known as the Bloody Act. A denial of the first Article, which expressly affirmed transubstantiation, subjected the offender to death by burning. Bishops, under its penalties, exchanged their palaces for dungeons, and it is stated that five hundred persons were imprisoned. But its provisions were as merciless toward the Romanists who denied the King's supremacy, as toward the Reformers, who were struggling against Romish corruptions.*

* Joyce's Sacred Synods, p. 396; Southey's Book of the Church, p. 85.

By the fifth section of this Repealing Act, the statute of 31 Henry VIII., providing that Proclamations made by the King, with the advice of his Council, should be obeyed as though they were made by authority of Parliament, and the Act of the 35th year of such reign (cap. 23), for the due execution of such Proclamations, and every matter therein, were repealed and made void.

§ 15. Order of
Communion,
1548.

Soon after the statute of 1547, respecting the Holy Communion (ante, § 8), a Committee of the 13 two Archbishops, seventeen Bishops, and six Doctors, prepared an Order for its Administration, called "The Order of Communion." It was directed to be used throughout the Realm by Proclamation of the 8th of March, 1548.* It is to be found in Procter's Book of Common Prayer, p. 326. It was an addition to the Mass, to be used immediately after the Priest himself did receive the Sacrament, without the varying of any other Rite or Ceremony in the Mass, until other Order shall be provided. The Priest was to proceed as before with the Sacrament of the Body, to consecrate so much as will serve the people; and he was to consecrate the chalice, or cups, full of wine, with some water put in it. The Service began with the Exhortation, "Dearly Beloved in the Lord."

It has been doubted whether this "Order" received the approval of Convocation. Heylin says that it had only the authority of a Proclamation, and it was hence advised that a public Liturgy should be drawn and confirmed by Parliament.† Mr. Joyce states many facts tending to show that it originated in Convocation, and was framed by its Committee. The weight of evidence appears to be with him.‡

§ 16. Preparation
of the First
Book.

The Divines who had prepared the "Order of Communion" continued their labors, and met again in May, 1548, according to Strype. Before the end of the year, they had prepared and delivered to the King the

* Joyce, p. 466; Collier, Ecc. Hist., V., 246.

† Hist. of Reformation, of Ed. VI., § 17; Pinnock's Laws and Usages, B, 270.

‡ Sacred Synods, 464-466.

First Book of Common Prayer. The names of those who composed the Committee are stated by Wheatly, p. 21. All but Day of Chichester subscribed it, according to Heylin, yet some disapproved of the Act of Uniformity. It appears probable that Cranmer, Ridley, Goodrich, Holbach, May, Taylor, Haynes, and Cox, were the principal framers of the Book.

§ 17. Ratified
by Convoca-
tion. There is no reason to doubt that it was ratified by Convocation. Mr. Joyce presents a very satisfactory review of the evidence. (Sacred Synods, 470. See also Fuller's Church Hist., VII., p. 386; Strype's Mem. of Cranmer, 2, 87; Archbishop Bancroft, quoted by Collier, VI., 277; Wheatly, p. 24; Lathbury's History of Convocations, p. 138.)

The letter of the Council to Bonner, Bishop of London, of the 23d of July, 1549, is nearly decisive. It recites the assent of the Bishops in Parliament, and of all others the learned men of our Realm, in their Synods and Convocations Provincial.* Archbishop Abbott (1630) says: "The Book of Common Prayer, when collected by the pains and labour of many learned men, was afterwards confirmed by the Upper and Lower House; and then, it being intended to add to Ecclesiastical decision the corroboration of secular government, according to the ancient custom of this Kingdom (as appeareth by record from the time of Edward III.), the Parliament, which is the most honourable Court in Christendom, did ratify the same."

The Book thus prepared and sanctioned by the Church was delivered to the King, and laid before Parliament.

On the 21st or 24th of January, 1549, the memorable statute of 2 and 3 Edward VI. was passed, adopting, setting forth, and enforcing that great embodiment of religious truth, the First Book of Common Prayer. It was declared that it should go into effect from the Feast of Pentecost ensuing; and the Act speaks of it as prepared with the aid of the Holy Ghost. It was suitable that the day of the descent of the Illumining Spirit should

§ 18. Act 2 &
3, Ed. VI., cap.
1, 1549.

* Strype's Cranmer, Vol. 2, p. 279.

be the day for the coming forth of a Book, which dissipated the darkness of centuries, and brought again to light obscured truths of primitive Christianity.

It was entitled "An Act for the Uniformity of Service and Administration of the Sacraments throughout the Realm." It recites the use of divers forms of Common Prayer called the Service of the Church, as the use of Sarum, of York, of Bangor, and of Lincoln, and that of late much more divers and sundry forms had been used in the Cathedral and Parish Churches, as well concerning the Matins or Morning Prayer and Even Song, as also concerning the Holy Communion, commonly called the Mass, and in the administration of other Sacraments of the Church. That to the intent that a uniform godly and quiet order should be observed in the premises, the King had appointed the Archbishop of Canterbury and certain of the most learned and discreet Bishops, and other learned men of the Realm, to ponder the premises; and thereupon, having eye and respect to the most sincere and pure Christian religion taught by the Scriptures, as to the usages in the primitive Church, they should make one convenient order, rite, and fashion of common and open prayer and administration of the Sacraments, the which they, at this time, by the aid of the Holy Ghost, with one agreement, had concluded, set forth, and delivered to his Royal Highness, in a book entitled *The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of Church, after the Use of the Church of England*. The statute proceeded: "That all and singular ministers in any Cathedral or Parish Church, or other place within the Realm, shall be bound to say and use the Matins, Even Song, celebration of the Lord's Supper, commonly called the Mass, and Administration of each of the Sacraments, and all their Common and Open Prayer (from and after the Feast of the Pentecost next ensuing), in such order and form as is mentioned in the same Book, and none other or otherwise."

By the second section it was enacted, that if any minister that ought to say or sing Common Prayer, or minister the

Sacraments, should refuse to use the said Common Prayer, or minister the Sacraments in such order and form as they be mentioned and set forth in said Book, or shall use any other rite, ceremony, order, or term of Mass, openly or privately, or Matins, Even Song, Administration of the Sacraments, or shall speak, preach, or declare anything in derogation or depraving of the same—and shall be lawfully convicted, etc., shall be subjected, for the first offence, to the loss of the profit of benefices; and if, after a conviction, he shall *eftsoons* offend and be convicted, to imprisonment for a year, etc.

The seventh section provided that it should be lawful for all men, as well in churches, chapels, oratories, or other places, to use openly any Psalm or Prayer taken out of the Bible at any due time, not letting or omitting thereby the service or any part thereof mentioned in the said Book.

By the fifth section, every Archbishop or Bishop might associate himself with the Justice of Oyer and Terminer, or of the Assize, to hear and determine offences against the Act.

By the Act 3 and 4 Edw. VI., cap. 10 (1550),
§ 19. Act abolishing Romish books. all books called “Antiphonars, Missals, Grailes, Processionals, Manuals, Legends, Aves, Portuasses, Primers in Latin or English, Couchers, Journals, Ordinals, or other books or writings heretofore used for the Service of the Church (other than such as are or shall be set forth by the King’s Majesty), shall be by the present Act clearly and utterly abolished and forbidden to be used in this Realm.” By other sections, the images taken out of the churches were to be destroyed. The fifth section provided that any person might keep, have, or retain any Primers in the Latin or English tongue, set forth by the late King Henry VIII., so that the sentences of invocation or prayers to Saints in the said Primers be blotted or put out of the same.*

This Act was repealed by that of 1 Mary, cap. 2, and the latter by the statute of 1 Jac. I., cap. 25, § 48.

* Statutes at Large, Vol. 2, p. 234.

In December, 1549, the King's Letter was issued to call in and destroy all the old church books, the keeping of which would be a let to the use of the Book of Common Prayer.

§ 20. Ordinal of 1550. By an Act of Parliament of January 31, 1550 (3 and 4 Ed. VI.), the King was empowered to appoint six Prelates and six other men of the realm learned in God's law, to prepare a form of Consecration of Archbishops, Bishops, Priests, and Deacons, *and other ministers of the Church*; and what was to be devised by them, was to be used, and no other.

The Commissioners were appointed by order of Council, and the form was published February 28, signed by eleven Commissioners; Heath, Bishop of Worcester, refusing to subscribe.

Cranmer was the principal author of the work, and the Preface is attributed to him. Offices were prepared for the three orders only. The clause of the Statute above italicised appears to have been disregarded.

In 1552, this Form was revised, and by the Statute 5 and 6 Edw. VI., cap. 1, it was annexed, as revised, to the Book of Common Prayer.

Mr. Blunt, in the Annotated Prayer-Book, has pointed out minutely the changes made in this from the previous Ordinal. The delivery of the chalice and bread which had been practised in the tenth century, had been retained in that of 1550, but was now omitted. So was the ceremony of laying a Bible upon the neck, and placing a staff in the hands of a Bishop at his consecration. Mr. Blunt denounces the influence of the Foreign Reformers in causing these changes, leaving out several laudable practices of the former Church; but his specification shows that nothing of real importance was omitted. He admits that eminent Romish Canonists treated the ceremonies mentioned as unessential.

The changes made in 1662 are to be found in Keeling's *Liturgiæ Britannicæ*, 365, etc. We notice one: In the ordering of Priests, the words accompanying the laying on

of hands were : “Receive the Holy Ghost *for the office and work of a Priest in the House of God now committed unto thee by imposition of our hands.* Whose sins,” etc. The words italicised were introduced in 1662, and are in our own office. (See further, post, chapter v.).

§ 21. Act of 1552.
Second Book.

The Act of 5 and 6 Edward VI. (1552) followed. Its recital is as follows : “Whereas, There hath been a very godly Order set forth by the authority of Parliament for Common Prayer and the Administration of the Sacraments, to be used in the mother tongue within the Church of England, agreeable to the word of God and the Primitive Church, very comfortable to all good people desiring to live in Christian conversation, and most profitable to the estate of this Realm.

“And because there hath arisen in the use and exercise of the aforesaid common service in the Church heretofore set forth, divers doubts for the fashion and manner of the administration of the same, *rather by the curiosity of the Ministers and Mistakers, than from any other worthy cause,*—Therefore, as well for the more plain and manifest explanation thereof, as for the more perfection of the said Order of common service in some places, where it is necessary to make the same prayer and fashion of service more earnest and fit to stir Christian people to the true honouring of Almighty God,—Therefore, the King’s most excellent Majesty, with the assent of the Lords and Commons in the present Parliament assembled, and by the authority of the same, hath caused the aforesaid Order of the common service, entitled The Book of Common Prayer, to be faithfully and godly perused, explained, and made fully perfect; and by the aforesaid authority, *hath annexed and joined it, so explained and perfected, to the present statute,* adding also a form and manner of making and consecrating of Archbishops, Bishops, Priests, and Deacons, to be of the like force, authority, and value as the said Book of Common Prayer was before, and to be accepted and received in like sort and manner, and with the same clauses of provisions and exceptions, as by the Act of Parliament made in the second

year of the King's reign, was ordained, limited, expressed, and appointed for the uniformity of service and administration of the Sacraments throughout the Realm, upon such several pains as in the said Act of Parliament is expressed.

"And the said former Act to stand in full force and strength to all intents and constructions, and to be applied, practised, and put in use to and for the establishing the Book of Common Prayer now explained and hereunto annexed, and also the said Form of Archbishops, Bishops, Priests, and Deacons, hereunto annexed, as it was for the former Book."

Another clause prohibited, under penalty, any one being willingly and wittingly present, at any other manner or form of Common Prayer, of Administration of the Sacraments, of making of Ministers in the Churches, or of any rites contained in the Book annexed to the Act, than is mentioned and set forth in said Book.

Convocation
ratifies. It has been stated that Convocation did not ratify this Book, and that it did not receive such sanction until the reign of Elizabeth.*

Heylin considers the point to be doubtful.† Cardwell observes that, although Convocation did not discuss the particular alterations, it may have delegated its authority to a Royal Commission, comprised of its leading members.‡

The Rev. Mr. Joyce has discussed the subject fully. He first shows the probability of a ratification, from the fact of Convocation being continually engaged in business about the time, and the singularity of so grave a matter not being brought before them. The silence of the records is of slight importance from the miserable manner in which they had been kept. He cites Fuller to this fact.§ Next he shows that, by the 25th Article of the Church, adopted in 1552-3,

* Brown's *Int. to the Articles*, p. 12; Pinnock's *Laws and Usages*, p. 276; *Procter*, 31, 32.

† *Reformation of Ed. VI.*, 108, 121.

‡ *Two Prayer-Books, etc.*, Preface, xix. n.

§ *Sacred Synods*, p. 478.

§ *Church History*, vii. p. 420.

this Book is expressly ratified. This is decisive if these Articles received the approval of Convocation. Mr. Hardwick establishes this point satisfactorily.*

In the copy sent in June, 1553, to the University of Cambridge to be subscribed, they are declared to be "Articles concluded in the Synod of London." In the Convocation of 1563, they are designated as "Articles published in the Synod of London in the late reign of Edward VI."

"They were prepared," says Archbishop Wake, "by the authority of King and Council; agreed to in Convocation, and subscribed by both Houses; and so presently promulgated by the King's authority according to law."†

It is scarcely open to doubt that the Articles were adopted, and if so, it is proven that Convocation adopted the Book of 1552.

Mr. Freeman, while admitting the want of decisive evidence upon the ratification of the Book, adduces some Acts of Convocation in the reign of Mary, to prove that it was considered to have been given. The Marian Convocation acted upon that supposition,‡

§ 22. Holy Days and Statutes. Another Act of this reign remains to be noticed. The Clergy in Convocation had fixed upon the days to be observed as Holy Days. The Legislature sanctioned what had been so ordered, and added penalties to secure their observance.||

It was an Act for the keeping of Holy Days and Fasting Days (5 and 6 Ed. VI., cap. 3, 1552-3). The preamble is: "The times appointed specially for God's worship are called Holy Days, not for the matter or nature either of the time or day, nor for any of the Saints' sakes whose memories are had on these days, but for the nature and condition of those godly and holy works wherewith only God is to be honoured, and the Congregation to be edified, whereunto such days are sanctified and hallowed, that is to say, separated from profane uses, and dedicated not unto any Saint or creature,

* Hist. of the Articles, 108-114.

† State of the Church, p. 600.

‡ Principles, 11, 1, p. 130.

|| Joyce, Sacred Synods, 480.

but only unto God and his true worship:—*Then*, Be it enacted, that all the days hereafter mentioned shall be kept Holy Days, and none other, that is to say, All Sundays in the year, the Days of the Feasts of the Circumcision of our Lord Jesus Christ, of the Epiphany, of the Purification of the Blessed Virgin, of St. Matthias the Apostle, of the Ascension of our Lord Jesus Christ, of the Nativity of St. John Baptist, of St. Peter the Apostle, of St. James the Apostle, of St. Bartholomew the Apostle, of St. Matthew the Apostle, of St. Michael the Archangel, of St. Luke the Evangelist, of St. Simon and Jude the Apostles, of St. Andrew the Apostle, of St. Thomas the Apostle, of the Nativity of our Lord, of St. Stephen the Martyr, of St. John the Evangelist, of the Holy Innocents, of Monday and Tuesday in Easter Week, and Monday and Tuesday in Whitsun Week; and that no other day shall be kept Holy Day, or commanded to be kept, or to abstain from lawful bodily labours.”

And it is also enacted, “that every Even or Day next going before any of the aforesaid days of the Feasts of the Nativity of our Lord, of Easter, of the Ascension of our Lord, Pentecost, and the Purification and Annunciation of the Blessed Virgin, of All Saints, and of all the said Feasts of the Apostles (other than that of St. John the Evangelist, and Philip and Jacob) shall be fasted and commanded to be kept and observed, and that none other Even or Day shall be commanded to be fasted.”

The Canons of 1603 (13, 14, and 64) show the further assent of Convocation to this statute.

§ 23. Remarks
on Edward's
Reign.

This closes the history of Ecclesiastical and Parliamentary legislation in this memorable age. No one can trace it without a feeling of wonder and reverence for so great a work so completely executed. A child came to the throne, “a godly and royal child, the flower of the Tudor name,” and in five years of a reign untimely cropped, more was done for the restoration of an undefiled faith, for the removal of corruption and errors, for release from bondage to a power usurped, and bringing

back the liberty wherewith Christ made all free, than had been accomplished in any age, by any efforts, since the Council of Nice. A Liturgy was set forth meriting the boast of Cranmer, "that there was nothing in it which had not the sanction of fifteen hundred years in the Church." An Ordinal was framed, built upon the gospel truth of three sacred Orders, and the succession and parity of Bishops. The observance of Holy Days was taught in language so devotional, yet so untinged by worship of saints, as to escape the censure of Bucer, and obtain the approval of Melancton. The integrity and exclusiveness of the Service-Books was guarded, not merely by the command to use them solely, but by the abrogation of all other Books in which lurked the errors and corruptions the Church meant to extirpate. And, as if crowning truth with mercy, there was a repeal of that dark series of statutes which had dyed the Papal Tiara in England with the blood of martyrs.

The leading mind, the most active laborer in this work, was Archbishop Cranmer. The fanatic haters of the Church of England have united with the fanatic restorers of Romish errors, to depreciate his services and defame his character. His vacillations are denounced, and no atonement found in his vast unequalled labors for reform. If he faltered once upon the great doctrine of the Apostolic succession, he had before written with power in its support, and in the Ordinal had re-avowed his former faith. If he joined in the salutation of the Lady Jane as Queen, and in a few days bowed the knee to Mary, the leaders and people united with him, and civil war was averted. If he recanted declared opinions, under fierce torments and the love of life, that most holy prayer uttered by him at his execution, and the right hand held in the flame, should expiate all. "Oh! there is more required to make one valiant than to call Cranmer coward."* Let his errors and weakness rest in oblivion, and let the lustre which he shed upon the bigot

* Fuller.

night of England be ever had in fresh remembrance. When King Henry gave for his arms the pelicans feeding their young with their blood, he prefigured his death and its cause.

§ 24. Act of 1 Mary, 1553. By the statute of 1 Mary, Sess. 2, cap. 2 (1553), all the statutes of Edward which have been cited were repealed, and it was provided that all such Divine Service and Administration of the Sacraments as was most commonly used in England in the last year of King Henry VIII., should be used through the said Realm after the 20th of December (1553), and none other.*

By an Act of 1 Philip and Mary, cap. 6, three of the old statutes for punishing Heretics, which had been repealed in Edward's time, were revived.†

And by another Act (1 P. and M., cap. 8), all the statutes passed in the reign of Henry VIII. against the authority of the Apostolic See of Rome, were repealed.

§ 25. Act of 1 Elizabeth. Elizabeth began her reign in November, 1558, and the first statute was "An Act to restore the Crown its ancient jurisdiction over the estate, ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same. It repealed the Act of 1 P. and M., cap. 8, above cited, annulling the Acts of Henry VIII. against the power of Rome. It revived expressly various statutes, among them the Act 24 Henry VIII., cap. 11, forbidding appeals to the See of Rome.

§ 26. Act of 1 Elizabeth, cap. 2, Uniformity. Then came the Act for the uniformity of Common Prayer and service in the Church, and administration of the Sacraments: "Where, at the death of our late Sovereign, Edward VI., there remained one uniform order of Common Service and Prayer, and Administration of the Sacraments, Rites, and Ceremonies, in the Church of England, which was set forth in one Book, entitled The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies in the Church of England, authorized by Act of Parliament, holden in the fifth and sixth years of our said late Sovereign, Edward

* Statutes at Large, 2, p. 458.

† Ibid. 472.

VI., entitled An Act, etc., the which was repealed in the first year of the reign of our late Queen Mary, to the great decay of the honor of God, and discomfort to the professors of the truth of Christ's religion. Be it therefore enacted, that the said statute of repeal, and every thing therein contained (*only concerning the said Book, and the Service Administration of the Sacraments, Rites, or Ceremonies, contained or appointed in or by the said Book*) shall be void and of none effect, from and after the Feast of the Nativity of John Baptist, next ensuing. And the said Book, with the Order of Service, and the Administration of Sacraments, Rites, and Ceremonies (*with the alterations and additions therein added and appointed by this statute*) shall stand and be, from and after the said Feast of the Nativity of John Baptist, in full force and effect."

The third section provided that all Ministers, in any Cathedral or Church, within the Realm, or other the Queen's dominions, should be bounden to say and use the Matins, Even Song, celebration of the Lord's Supper, Administration of each of the Sacraments, and all the Common and Open Prayer in such order and form as is contained in the said Book so authorized by Parliament in the fifth and sixth years in the reign of King Edward VI., *with one alteration and addition of certain Lessons to be used on every Sunday in the year, and the form of the Litany altered and corrected, and two sentences only added to the delivery of the Sacrament to the Communicants*, and none other or otherwise.

The fourth section prescribes penalties for refusing to use such Book, and the most explicit prohibition of the use of any other Rite, Ceremony, Order, Form, or Manner of celebrating the Lord's Supper, Matins, etc., than is mentioned and set forth in such Book.

The 25th section contains the celebrated provision as to ornaments, which is hereafter fully stated.*

By the 26th section, the Queen, by the advice of the Commissioners, might ordain and publish such further Rites

* Post, chap. ii. § 47.

or Ceremonies as might be for the advancement of God's glory.

And by the 27th, "all laws, statutes, and ordinances, wherein or whereby any other Service Administration of the Sacraments, or Common Prayer, is limited, established, or set forth, to be used within this Realm, or any other the Queen's dominions or countries, shall from henceforth be utterly void and of none effect."

It appears that the alterations ratified by this statute (which we have seen were very few) had not been submitted to Convocation. A few divines had assisted in preparing them.*

Upon this statute and these facts we observe—

1. That the repeal of the statute of Mary, so far as it had repealed the statute establishing the second Book of Edward, revived that statute, and re-established that Book. Such Book had received full Synodal sanction; and the repeal of Mary's Act brought it again into force with the whole authority of Church and Parliament.

But the alterations in the Book of Elizabeth, not having the approval of Convocation, were not of lawful force then.

2. This (as we conceive) undoubted illegality continued until 1603, when the whole Book was ratified by the 4th, 6th, 8th, 14th, 36th, and 80th of the Canons, then adopted by Convocation.†

3. Thus passing over entirely the alleged illegality of the action of Convocation in the reign of Mary,‡ nay, conceding its legality, we have, in 1603, at any rate, the Book of 1552 restored by Act of Convocation to its full force, with the few specified changes and additions made by the Act of Elizabeth. Either the proceedings in Mary's reign did not revoke or impair the clear Synodal authority given to the Book of 1552, or if it did, then such effect was

* Fuller's Church History, ix. 54; Gibson's Codex, 268-365; Joyce's Sacred Synods, 542; Bulley's Variations, Preface, xii. Mr. Bulley says there was much opposition from the Spiritual peers; Mr. Procter says that, finally, only nine Bishops voted against the Act.

† See Joyce, 629 *et seq.*

‡ Ibid. .

reversed in 1603, and the Book revived. Upon this we may rest with full assurance.

4. But the Book of 1552 had recognized and adopted that of 1549, *as explained and perfected by it*. So the statute of 5 and 6 Edward expressly declared. So Convocation, in adopting Elizabeth's Book adopting that of 1552, plainly admitted and avowed. Hence, the Book of 1549 became precisely as operative as it was under the statute of 5 and 6 Edward and the concurrence of Convocation in that Book of 1552, save as varied by the alterations of Elizabeth.

§ 27, Act of 13
Elizabeth, cap.
12, 1571.

By the Act of 13 Elizabeth, cap. 12, "An Act for the Ministers of the Church to be of sound religion," it was provided (§ 1) that every person under the degree of a Bishop, who shall pretend to be a Priest or Minister of God's Holy Word and Sacraments, by reason of any other form of institution, consecration, or ordaining, than the form set forth by Parliament in the time of King Edward VI., or now used in the reign of our Sovereign Lady before the Feast of the Nativity next ensuing, should declare his assent to, and subscribe the Articles of Religion (which only contain the confession of a true faith and the doctrine of Sacraments), contained in a Book entitled, etc.

The Articles are those of 1562.

By the third section, no person was to be admitted to any benefice or cure unless he was of the age of twenty-three, and at least a Deacon; and that he shall first subscribe the said Articles, and publicly read the same in the parish church of that benefice, with a declaration of his unfeigned assent to the same.

And by the fifth section, subscription was necessary before any one could be admitted to the office of Deacon.

The assent of Convocation to the Articles is found in the Articles themselves as passed in 1562 and 1571, and in the fifth Canon of 1603.

The first section of this statute gave rise to great discussion as to foreign ordinations. Upon the repeal of the statute of Edward establishing the Ordinal, Romish ordina-

tions were resumed. Some, who had fled the realm on account of Mary's persecutions, joined the Reformed Churches abroad, and some received orders there, and, upon the accession of Elizabeth, returned to England.

It is not disputed that the statute covered Romish ordinations made during Mary's reign; but it was contended that it extended to Foreign Ordinations, and those made in Scotland. The subject is fully discussed (post, chapter v. § 4).

§ 28. The Thirty-nine Articles, 1571. We have thought it most convenient to discuss the subject of the Articles in the English and our own Church under one separate head. (See post, chapter vi.)

§ 29. James I. In July, 1603, James I. began his reign. We need but briefly notice the conference at Hampton Court, and the changes proposed or made in the Prayer-Book. The revision in 1662 either adopted or superseded them.

The petition of the Puritans, presented in March, 1603, asked, among other things, that the cross in Baptism be taken away, interrogatories to infants and Confirmations be declared superfluous, baptism not to be administered by a woman, the cap and surplice not to be urged, that examination may go before Communion, and that Ministers be not charged to teach the people to bow at the name of Jesus.

A few of the alterations adopted may be noticed. The Rubric, before Private Baptism, was changed from "let them that be present" to "let the lawful Minister and them that be present."

The title of the Confirmation Office was—The Order of Confirmation, or Laying on of hands upon children baptized, and able to render an account of their faith according to the Catechism following.*

One transaction in this reign deserves a short notice. A representation was made by the Archbishop, in the name of all the Clergy, to the Lords of the Privy Council, as to the abuse of the writ of Prohibition issued to Ecclesiasti-

* Trevor's Two Convocations; Burn's Ecc. Law, 2, p. 24.

cal Courts. There were twenty-six articles framed, complaining of the cases in which the Judges had interfered. These were framed upon the statute called *Articuli Cleri*, passed by Parliament, A.D. 1315. The answers of the judges were somewhat supercilious. The history is one among several instances of the efforts of the clergy to free themselves from temporal jurisdiction in spiritual matters. (See Codex, 1, p. 47.)

§ 30. Act of 1 James I. By the forty-eighth section of the statute of James I., cap. 25, the Act of the first year of Mary, entitled An Act for the Repeal of Certain Statutes made in the time of King Edward VI., was to stand repealed and void.

Thus every imaginable difficulty as to the restoration of the first Book of Edward, as modified by the second, and by that of Elizabeth, was removed.

§ 31. Canons of 1603. Historically, this would be a proper place for considering the Canons of 1603. But the peculiar circumstances which bear upon the question of their influence in our Church will enable us better to appreciate them when the general principles which govern us are understood. (See post, chapter vii.)

§ 32. Book of Charles II., 1662. We now reach the last revision of the English Service-Books.

1661 In November, 1601, the King's license had been granted to the Archbishop of York, empowering his provincial Synod to review the Book of Common Prayer, etc. The Synod of Canterbury met on the 21st of November of that year. Deputies with full power from the Synod of York, then also in session, attended, and the review commenced. The details of the course pursued, as stated by the Rev. J. W. Joyce,* show what great labor was bestowed. On the 20th of December, 1661, the new Prayer-Book was adopted, was subscribed by the two Metropolitans, by twenty Bishops, eighty-four members of the Lower House of Canterbury, and the six proxies of the Lower House of York.

* Sacred Synods, p. 709.

Mr. Trevor states, that after the two Provinces had thus consulted together, and completed the review, they separated, and subscribed in a distinct capacity as Provincial Synods.*

The Revision was submitted to Parliament, and on the 10th of May, 1662, the Act of 13 and 14, Can. 2, cap. 4, was passed.† It was entitled "An Act for the uniformity of public prayers and Administration of the Sacraments, and other Rites and Ceremonies, and for the establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England."

It recites that, in the first year of the late Queen Elizabeth, there was one uniform order of Common Service and Prayer, etc., in the Church of England compiled by the Reverend Bishops and Clergy, set forth in one Book, entitled "The Book of Common Prayer," etc., and enjoined to be used by Act of Parliament holden in the first year of the said late Queen, entitled "An Act," etc. That the King had granted his commission under the great seal to several Bishops and other Divines to review the said Book, and to prepare such alterations and additions as they thought fit; that the Convocations of Canterbury and York, being by the King's permission assembled, he authorized their Presidents and others, the Bishops and Clergy of the same, to review the said Book of, etc. That they have accordingly reviewed the said Book, and made some alterations which they think fit to be inserted in the same, and some additional prayers to be used upon proper and emergent occasions, and have exhibited the same to his Majesty, in writing, in one Book, entitled "The Book of," etc. That his Majesty had approved and allowed the same, and recommended to this present Parliament that the same, with the alterations and additions, shall be the Book appointed to be used in all Churches and Chapels within the realm of England, "dominion of Wales, and Berwick-upon-Tweed. It was then

* Two Convocations, p. 93, citing Archbishop Wake, App. 158.

† Statutes at Large, iii. 224.

enacted, that all and singular Ministers, in any Cathedral, Collegiate, or Parish Church or Chapel, or other place of public worship, within the Realm of England, dominion of Wales, and Town of Berwick-upon-Tweed, shall be bound to say and use the Morning Prayer, Evening Prayer, celebration and administration of the Sacraments, and all other, the public and Common Prayer, in such order as is mentioned in the said Book annexed, and joined to this present Act, and entitled "*The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be said or sung in Churches, and the Form or Manner of Making, Ordaining, or Consecrating Bishops, Priests, and Deacons.*"

"And that the Morning and Evening Prayer therein contained, shall, upon every Lord's Day, and upon all other days and occasions, and at the times therein appointed, be openly and solemnly read by all and every Minister or Curate, in every Church, Chapel, or place of public worship within this realm of England and places aforesaid."

The seventeenth section provided that no form or order of Common Prayer, Administration of the Sacraments, Rites, or Ceremonies shall be openly used in any Church, Chapel, or other public place, or in any College or Hall in either of the Universities, the Colleges of Westminster, Winchester, or Eton, or any of them, other than what is prescribed and appointed to be used in and by the said Book.

By the twenty-seventh section the several good laws and statutes of the Realm which have been formerly made, and are now in force for the uniformity of Prayer and Administration of the Sacraments within this Realm of England, and places aforesaid, shall stand in full force and strength for the establishing and confirming the said Book, entitled "*The Book of,*" etc. (*title in full as before*), hereinbefore mentioned to be joined and annexed to this Act.

§ 33. Act of
Queen Ann,
1706.

The statute of 5 Ann, chap. 5 (1706), is the last of the series of these Acts of Uniformity

and for establishing a Liturgy. It is as follows: "Whereas, it is reasonable and necessary that the true Protestant Religion, professed and established by law in the Church of England, and the Doctrine, Worship, Discipline, and government thereof, should be effectually and unalterably secured. Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and the Commons in this present Parliament assembled, that an Act made in the thirteenth year of the reign of Queen Elizabeth, of famous memory, entitled 'An Act for the Ministers of the Church to be of sound Religion,' and also an Act made in the thirteenth year of the reign of late King Charles, entitled 'An Act for the Uniformity of the Public Prayers, and Administration of the Sacraments, and other Rites and Ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England (other than such clauses in the said Acts, or either of them, as have been repealed or altered by any subsequent Act or Acts of Parliament) now in force for the establishment and preservation of the Church of England, and the Doctrine, Worship, Discipline, and Government thereof,' shall remain and be in full force forever."

§ 34. General Conclusions. There are some conclusions of importance which this Review of the History of the Prayer-Book and other offices justifies. Some of them have been partially noticed before.

1. When we seek to determine what the real English law is, we adopt, as a fundamental principle, that nothing is binding which has not received the sanction of the Church, through its Convocations. It is the law of the Church we are seeking to ascertain. If Convocation has ratified a law, it can lose none of its force from the fact that Convocation cannot be convened without the King's license. The necessity of such license undoubtedly debars, and was intended to debar, the Church from the aid of the State to coerce obedience, but this cannot deprive the Canons which are adopted of their ecclesiastical or spiritual authority,

nor lessen their obligation on the conscience of her members.

2. It is also a sound conclusion that Convocation, representing the Church, could not delegate to any one the entire power of legislation. Orders, Proclamations, and Advertisements, with or without the sanction of Parliament, resting on any such delegation, are void. No Convocation could depute the right and the duty of considering and judging. It is a maxim of civil law, that no one can delegate to another the execution of a trust requiring the exercise of discretion and judgment. Much less can the Messengers of religion confer the power of framing rules for the Church, in matters purely spiritual, upon Monarch or Parliament. It is no answer that the Bishops partake of legislative power. They form only a part of Convocation.

3. Here also the remark applies, that the assent of the Church that other bodies should prepare or declare laws would not impair their validity, if her consent is subsequently obtained and announced. But their lawfulness depends upon that ratification.

We have before stated a striking example of the application of this rule. The alterations in the Prayer-Book, made in the statute of uniformity of Elizabeth, did not receive Synodal sanction until the reign of James I. From 1559 to 1603, those alterations were not binding. The Prayer-
[552] Book of 1559 remained unchanged.

In this great particular, we of the sister Church stand extricated from the fetters of English churchmen. Sir Robert Phillimore, while recognizing that Formularies declared by Parliament were binding, even without the concurrence of the Church, remarked that happily such were of rare occurrence. Those rare cases we may reject as anomalies, wholly insufficient to mar the sacred continuity of the Church of England with our own.

4. Adverting to the leading principles of variation in the English Books and statutes, we conclude—

That the Book of 1549, and the Ordinal, were designed to form, and did form, in everything they covered, an entire,

complete system of Ritual law, comprising all that was judged necessary or expedient, and inhibiting everything else. It was meant to fulfill the declaration in the Preface, that the Curates shall need no other books for their services than this book and the Bible.

Hence the Use of Sarum, and all other Uses in the Realm, as well as any Romish Ritual, were superseded and abrogated. No provision in either of them remained in force, unless actually or substantially found in this First Book. In such a case, the ancient rules, usages, and expositions might be resorted to for the removal of any ambiguity. *Eliminata consuetudine Rubrica* was a maxim to be appealed to.

If we recur to the doctrines of civil courts, in similar cases, we find that, when a Legislature revises a previous statute, and enacts provisions upon a given subject, it is not only a virtual repeal of what is inconsistent, without express words, but, in general, a declaration that the whole of the Legislative will is expressed on the particular point, *ad idem*. Omission of the previous provisions upon the same point is repeal or abrogation. Legislation upon a subject, with the certainty that previous legislation was in view, does presumptively yet strongly indicate what is intended, and all that is intended, to be the law. It excludes what is passed over.

With what striking force does this principle apply to the First Book of Edward! Deliberately reviewing the Services, Rites, and Ceremonies of the Church; deliberately abolishing all former Uses or Service Books which governed them; proclaiming one body of enactments in one book to be the exclusive and sufficient rule for the future; minutely specifying the Forms, Actions, Ceremonies, and Articles for the ministrations, we are presented with a Code, absolute and comprehensive upon these matters, and where omission is so plainly equivalent to prohibition, that an exception can only be made out by the plainest demonstration.

But the exclusiveness of this rule applies to the First Book only. As to all the others, the principle of continuity and amendment prevails. Thus the Book of 1662 is the Book of 1559, reacknowledged, "with some additions and

alterations to be inserted therein." The Book of 1559 was that of 1552, with some specified changes, and that of 1552 was that of 1549, "explained and made more perfect." So the latter forms the primary and principal source of our judgment; and, except where a provision entirely new has been introduced, the expositions of that Book, the views of its framers, the contemporaneous documents, are all of moment for explanation and guidance.

Again, what is found in that Book, though not repeated in a succeeding one, may presumptively be still a rule, unless inconsistent with a later provision. For example, the Book of 1552 and that of 1559 omitted the marginal Rubrics as to taking the Bread and Cup into the Minister's hands; yet this was practised in the interval, before the Book of 1662 restored such Rubrics.

It is gratifying to find that so eminent a writer as Mr. Freeman, supports the views now presented. He says: * "As to the first point (the exact relation in which the Book of 1552 stood to that of 1549), the one decisive consideration by which all minor doubts must be absolutely ruled, is, that the second Book adopted as its basis, without any qualification or reserve, the doctrinal positions of the First. The statute by which it was authorized, in a preamble, doubtless proceeding from the Divines who conducted the Revision, completely indorsed the earlier Book in all respects, declaring it to be a very godly Order, agreeable to the word of God and the Primitive Church. This commendation, it has been well observed,† is given without abatement. There is no stroke of censure, no charge of superstition, no blemish either in respect to doctrine or ceremonial thrown upon it. Whatever expressions, therefore, may have been withdrawn or modified in the Second Book, we are absolutely precluded from interpreting this as a contravention or abandonment of any doctrine contained in the First. Whatever in it is ambiguous must be interpreted—whatever is wanting must be sup-

* Principles of Divine Service, Vol. 11, Part 1, p. 123.

† By Collier; Hist., p. 320.

plied, by reference to the mind and contents of the offices as originally revised. There is in reality no escape from this conclusion."

And this historical review proves the flippancy and falsity of those who speak of the religion of the Church of England as a Parliamentary religion. The recklessness with which it has been asserted by Roman, and echoed by Puritan, foes of the Church, that Convocation had little agency in framing the Great Formularies of the Faith set forth at the Reformation, is exposed and refuted by the most convincing evidence. The Order for administering both kinds to the Laity, the Catechism, the Ordinal, the Homilies, and, above all, the Book of 1549, the grand corner-stone of the Reformation, were the immediate work of the Church through her clergy. The Book of 1552 sprang from or was sanctioned by Convocation. The Book of 1559 received its assent; and that of 1662 was prepared in Convocation, subscribed by its members, and brought to Parliament for civil ratification and enforcement. Popery and Radicalism have in this point united in defamatory falsehood.

Thus fashioned, restored, and purified, stood the Church of England, when the gates of a new world were opened for the spread of her true and undefiled faith. The priceless gifts of an open Bible, the Book of Common Prayer, and Articles of Faith, accompanied and hallowed her grand institutions of civil liberty. There is no man of piety or sense in the land who should not yield his heartfelt assent to the language of Charles I. to his son: "I do beseech you, as your Father and your King, that you never suffer your heart to receive the least check against, or disaffection from, the true religion established in the Church of England. It keeps the middle way between the pomp of superstitious tyranny and the meanness of fanatic anarchy. In this I charge you to persevere, as coming nearest to God's word for doctrine, and to the primitive examples for government."

§ 35. The Colonial Church.

The law which prevailed in the Church of England formed the law for the members of that Church in every Colony of England. They who were mem-

bers of that Church, when they came to this land, brought with them, and they joined it in a Colony, adopted, the doctrine and discipline of the English Church.

We do not mean, that such Church as an Establishment, with the statutes of Uniformity, as relieved by the statutes of Toleration, governed in the Colonies. But our proposition is, that all the members of the Church of England in the Colonies were controlled by the Ritual law of the Church in England, except in cases where it was plainly inapplicable. Much of Ecclesiastical law, in its wide sense, was of such a character, but we doubt if there are any cases in which the Ritual Law proper would be so.

In Hoffman's *Law of the Church* (pp. 16-30) will be found a collection of documents showing the position and regulations of the Church and its Ministers in the Colonies. We cite but one, as we believe very little difference of opinion exists upon this head. Mr. Locke, in his *Fundamental Articles for the Church of South Carolina*, says: "That the religion of the Church of England, being the only true and orthodox, and the National religion of all the King's dominions, was also that of Carolina, yet the Ministers' maintenance was to be by Act of Parliament."

And by the 97th Article, indulgence to form congregations and churches was accorded to all.

Several of the assemblies, by special acts, raised a maintenance for Ministers of the Church by a general tax. In some colonies, uniformity of worship according to that of the Church of England, and ordination by a Bishop, was expressly prescribed.

But enough is quoted to justify our proposition, that, for members of the Church in the Colonies, the Ritual law of England formed their law.

§ 36. After 1776 and before 1789. The evidence of the recognition of this principle after the Declaration of Independence and before the Convention of 1789, is abundant.

On the 4th of July, 1776, the Convention of Virginia altered the English Book of Common Prayer to accommodate it to the change of affairs. The resolution closed

thus : " Let every other sentence of the Litany be retained, without any alteration except the above sentences." In 1785, it was declared, that the Litany of the Church of England should be retained, with such alterations only as had been rendered necessary by the American Revolution."

In Maryland, in 1783, the Convention declared : " As it is the right, so it will be the duty of this Church (when duly organized and represented in a Synod or Convention of the different orders of her Ministers and people,) to revise her Liturgy, Forms of Prayer, and Public Worship, in order to adapt the same to the late Revolution, and other local circumstances of America ; which, it is conceived, may be done without any other departure from the venerable order and beautiful forms of worship of the Church from which we sprung, than may be found expedient in the change of our situation from a daughter to a sister Church."

And in the Vestry Act of 1798, the Church of England was recognized as having been the same as the Protestant Episcopal Church of Maryland.

In South Carolina, in May, 1786, it was declared that the doctrines of the Gospel should be maintained, as now professed in the Church of England, and uniformity of worship be continued, as near as may be, to the Liturgy of the said Church.

In Pennsylvania, by the Fundamental Articles of 1784, it was set forth that the Church shall maintain the doctrines of the Gospel, as now held by the Church of England, and shall adhere to the Liturgy of the said Church, as far as shall be consistent with the American Revolution and the Constitution of the State.

The third Article adopted by the Clergy of Massachusetts, in 1784, was in nearly the identical language as that of Pennsylvania.

The Convention of New Jersey, in May, 1786, requested the General Convention to " revise their proceedings, and remove every cause that may have excited any fear, that the Episcopal Church in the United States has any intention or desire essentially to depart, either in doctrine or discipline, from the Church of England."

Bishop Jarvis, of Connecticut, writing in May, 1786, says : "In the planting and growth of the Church in America, I have always understood that the Church of England was propagated and enlarged." He recommended that the Bishop call a Convocation, in which it should be moved that we adopt the Liturgy of the Church of England entire, except the Prayers for the State, and the offices appointed for State Days, or with some abbreviations, and that some particular Prayers be added.

In October, 1784, a number of Clergymen from the States of *Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, and Virginia*, met in New York, and adopted a series of Articles to be recommended to the Church. The *first* was, "that there should be a General Convention of the Protestant Episcopal Church in the United States of America;" and the *fourth*, "that the said Church shall maintain the doctrines of the Gospel as now held by the Church of England, and shall adhere to the Liturgy of the said Church, as far as shall be consistent with the American Revolution, and the Constitutions of the respective States."

It seems that there is a mistake in the statement that the Clergy from Massachusetts and Connecticut were present at this meeting.*

There was a recommendation that Deputies should meet in Philadelphia on Tuesday before the Feast of St. Michael.

On the 27th of September, 1785, Deputies from
§ 37. Action in
1785. Proposed
Book. seven States met. The Fourth Article, above cited, being read, a Committee was appointed to report such alterations in the Liturgy as should render it consistent with the American Revolution, and the Constitutions of the States, and such further alterations as may be deemed advisable. (Hawks and Perry, 18.)

On the 1st of October, the Committee reported that they had made a draft of the alterations proposed in the Liturgy, and also a draft of an Ecclesiastical Constitution ;

* See "A Voice from Connecticut," p. 24, n.

that they had under consideration the further alterations proposed in the Liturgy, and were ready to report in part.

The consideration of the changes for conformity to the principles of the Revolution and Constitutions of the States was separate from that of the other alterations. They were discussed from time to time. On Tuesday, the 4th of October, the Ecclesiastical Constitution was agreed upon. On the 5th of October, it was ordered that the transcribed copy of the alterations in the Liturgy, to render it consistent with the American Revolution and Constitutions of the States, "be read and considered by paragraphs, which being done, it was resolved: That the Liturgy shall be used in this Church as accommodated to the Revolution, agreeably to the alterations now approved of and ratified by this Convention."

The Fourth Article of the Constitution was explicit. The Book of Common Prayer, and Administration of the Sacraments and other Rites and Ceremonies, according to the use of the Church of England, shall be continued to be used in this Church, as the same is altered by this Convention in a certain Instrument of writing passed by their authority, entitled "Alterations of the Liturgy of the Protestant Episcopal Church in the United States of America, in order to render the same conformable to the American Revolution, and the Constitutions of the respective States."

The Ninth Article provided, "Whereas it hath been represented to be the desire of the Church in these States, that there be further alterations in the Liturgy than such as were made necessary by the American Revolution—Therefore the Book of Common Prayer and Administration of the Sacraments according to the Use of the Church of England, as altered by an instrument in writing, passed by the authority of this Convention, entitled 'Alterations in the Book of Common Prayer,' etc., *proposed and* recommended to the Protestant Episcopal Church in the United States of America, shall be used in this Church, *when* the same shall have been ratified by the Conventions who have respectively sent Deputies to this General Convention."

In the Convention of 1786, the Ninth Article was amended. It then read—"The Book of" etc. "*may* be used by this Church in such of the States as have adopted, or may adopt, the same in their particular Conventions, until further provision is made in the case by the first General Convention which shall assemble with sufficient powers to ratify a Book of Common Prayer for the Church in these States."

These proposed alterations are to be found in Hawks and Perry's Journal, Vol. I., p. 483. Some few may be noticed.

The Article in the Creed, "He descended into hell," was omitted. The Athanasian and Nicene Creeds were left out. The form in the Rubric before the Absolution was, "turning to the people shall say," instead of "shall pronounce this absolution." Changes were made in the Baptismal office. Among them, the clause, "Seeing now, dearly beloved," etc., was omitted. "We yield Thee hearty thanks," etc., was altered to "Receive this infant as thine old child by Baptism; incorporate him," etc.

We see that the sanction of the proposed change was to rest with the several Conventions, and, if approved, would be in ~~form~~ *force* only until a General Convention matured and established a Book of Common Prayer.

In New York, the Convention of 1786 postponed the consideration of the subject to a future day. (Journal, p. 9.) In 1787, it was resolved, that until the General Convention should act, the respective Congregations *might* use the new form or the old as they respectively thought proper. (Journal, p. 17.)

No Convention of the Church in New England adopted it. The Convention of New Jersey rejected it. No action was had in Delaware. In Virginia it was approved by a vote of 32 to 20, with an omission of the Rubric before the Communion Office.*

A Convention of Maryland substantially approved of the alterations, requesting certain changes to be introduced.†

* Hawks, 6, 192.

† Ibid., 2, 397.

In Pennsylvania, in May, 1786, a Committee was appointed to consider the proposed Book, and report to the Convention. The Report (which was adopted) contained instructions to the Deputies to propose five amendments, some relating to the Nicene Creed being introduced into the Offices. I do not find any resolution to use the Book in the interim, but am inclined to think the matter was left unsettled until the suggested amendments should be disposed of.

Thus of the seven States represented in the Conventions of 1785 and 1786, three did not ratify the changes, the permission of New York not being an adoption; and, as to one, the probability is, the Book was not ratified.

Then, in 1789 (October), the work of Revision was completed. Every important point of the Offices was acted upon deliberately. For example, on the 12th of October, the House of Bishops took up the Form of the Public Baptism of Infants, altered it, and sent it to the other House. There it was amended. The amendments were returned, and concurred in by the House of Bishops.

No proposition can be clearer than this—that by such revision, the portions of the Proposed Book not retained were condemned by the Church. We have not only the necessary conclusion that the Bishops, White and Seabury, concurred in the result, but Bishop White bears testimony to the harmony of their discussions and the Christian temper of Bishop Seabury. While recording some important differences between them, he says, that in the Occasional Services, there was so little difference of opinion, that nothing interesting is recollected.*

It is difficult to imagine, that even the meek Bishop White, if he had been overborne by the imperious will of Bishop Seabury, would, years after, record with tender memory their intercourse upon these subjects.†

§ 38. Action of 1786. In June, 1786, a Convention met, when an Ecclesiastical Constitution was adopted, the

* Memoirs, p. 149–155.

† This was intimated in a Church newspaper.

Fourth Article of which is before copied; and also the Ninth Article of 1785, as amended. (Ante, § 37.)

And it was thus recognized that a full Liturgy could only be obligatory upon the whole Church when a General Convention should settle it, and that such authoritative Convention could not exist until Bishops were in the Church. In the interim, the English Service-Book, with certain changes, was recommended, with the continued avowal that the Liturgy according to the Use of the Church of England, was the Liturgy of the existing Church, except as necessarily varied.*

§ 39. Action of 1789. On the 29th of September, 1789, the General Convention met; and, on the 3d of October, a Committee was appointed by the Lower House to prepare a Calendar, Tables of Lessons, Collects, Epistles, and Gospels; another for Morning and Evening Service; another for the Litany, with Occasional Prayers and Thanksgivings; and another for An Order for the Administration of the Holy Communion.

The reports of these Committees were discussed from time to time, adopted in full, or with Alterations, and sent to the House of Bishops. Some offices, among them the Burial Service, were suggested by the latter House.

All the offices being completed and agreed upon, a Preface and Table of Contents were adopted. Bishop White had suggested to his associate, the Rev. Dr. Smith, a long Preface specifying the Alterations and the reasons for them. Dr. Smith proposed one, which was fully approved by Bishop White, was prefixed to the former Book, and was the same as the present Preface to our Book of 1789.† That Preface, after premising "that everything not belonging to doctrine does belong to discipline," and affirming the right of each Church to amend and vary those forms and usages which pertain to the latter, quotes the Preface to the English Book as sanctioning this declaration; and

* See the Alterations, Hawks and Perry, I., 480-495.

† See Journals, Hawks and Perry, Vol. I., 514, 535-537.

then proceeds—"The same Church hath not only in her Preface, but likewise in her Articles and Homilies, declared the necessity and expediency of occasional alterations and amendments in her Forms of Public Worship, and we find, accordingly," that "seeking to keep the happy mean between too much stiffness in refusing, and too much easiness in admitting, variations in things once advisedly established, she hath, in the reign of several Princes, since the first compiling of her Liturgy in the time of Edward VI., upon just and weighty considerations her thereunto moving, yielded to make such alterations in some particulars, as in their respective times were thought convenient; yet so, as that the main body and essential parts of the same (as well in the chiefest materials as in the frame and order thereof) have still been continued firm and unshaken."

This passage is from the Preface to the Book of 1662.

Thus we find that the English Church and our own distinctly resort to and recognize the First Book of Edward as the foundation of the Liturgy, in which the Church had sometimes yielded to make alterations; and again, our Preface declares, "It seems unnecessary to enumerate all the different alterations and amendments. They will appear, and it is to be hoped the reasons of them also, upon a comparison of this with the Book of Common Prayer of the Church of England. In which it will also appear that this Church is far from intending to depart from the Church of England in any essential point of doctrine, discipline, or worship, or further than local circumstances require."

No rule in the construction of instruments is better settled, than that which teaches us to resort to the views and statements of the framers of a law for its exposition. The Rev. Dr. White, and the Rev. William Smith of Maryland, were the principal parties who prepared the Proposed Book, and Bishops White and Seabury formed the House of Bishops which united in framing the Book of 1789.

The Rev. Dr. White and the Rev. Dr. Smith united in the answer of the Convocation of 1786 to the Archbishops

and Bishops of England, in which the whole Church said: "We are unanimous and explicit in assuring your Lordships that we neither have departed, nor propose to depart, from the doctrines of your Church. We have retained the same discipline and forms of Worship, as far as was consistent with our Civil Constitutions; and we have made no omissions or alterations in the Book of Common Prayer but such as that consideration prescribed, and such as were calculated to remove objections which it seemed more conducive to union and general content to obviate than to dispute."

The Rev. Dr. Smith was, as before stated, the author of the Preface of the Prayer-Book. He says: "Enclosed you have my Essay of a Preface. The Preface or address, which was a matter particularly entrusted to the Committee, I have ever considered a matter of great importance. Of this the Church was sensible in Charles the Second's time on the last review, when they wrote their several Prefaces. I have, therefore, interwoven much of that Preface, and, rather than set forth what we have done ourselves (which indeed is but little), have given an account of what the wisest and best members of the Church of England have long wished to have done, in order to show that we are not pretending to be leaders in Reformation, but follow them and remain connected with them." *

With respect to Bishop Seabury, it is enough to refer to the action in Connecticut, where the Order of Morning and Evening Prayer, and the Litany, were continued as they were in 1662, omitting the State Prayers. In 1786 the Bishop, in Convocation, set forth a Communion Service modelled on that of 1549.†

From the letter (as we assume) of Bishop Jarvis to C. J. Stuart, it appears that Bishop Seabury advocated a change in the Communion Office, and the addition of some occasional prayers. In all other particulars he strenuously opposed even such alterations as were merely verbal.‡

* Hawks and Perry, I. p. 535.

† Ibid., p. 25, 26.

‡ "Voice from Connecticut," p. 25.

At a Convocation of the Clergy held at Newtown, in September, 1790, on ratifying the Acts of the Proctors at the Convention of 1789, it was agreed that, in the use of the New Prayer-Book, we be as uniform as possible, and, for that purpose, that we approach as near the Old Liturgy as a compliance with the Rubrics of the New will allow. "Thus did the Bishops and Clergy of Connecticut in the very Act by which they received the New Prayer-Book, establish, as a fundamental rule of uniformity, that, in all the Rubrics which allow a diversity of practice, the Old or English Prayer-Book should constitute the usage or observance of the Diocese."*

And, as to the opinions of Bishop White, they are uniform and decided, that our Book of Common Prayer and other Offices are the English Books revised and altered, remaining in force except as expressly, or by necessity, varied.

In the *Memoirs of the Church* (p. 224), the Bishop says: "From the beginning of the organizing of the Church, this principle has prevailed. It tends to check the spirit of innovation on any essential point of doctrine, because, if such a matter should be attempted, the original standard will be appealed to. It need not hinder alterations in less important matters, because, notwithstanding the parentage gloried in by us, we are an independent Church, and so acknowledged by that from which we plead to have descended. And, principally, regard is here had to there being a fence to the truths of the Gospel prevalent in the days of Edward VI."

"The principle contended for cannot be understood without remarking the distinction between a sameness of two Churches in doctrine, discipline, and worship, and their identity in a Corporate capacity." He cites, as an example, the Church of Scotland in relation to that of England, in the days of James I. and Charles II.

"If ever there should be a surrender of these evangelical truths, which are not only affirmed in the thirty-nine Articles, but pervade the services, and are generally understood

* "Voice from Connecticut," p. 27.

to be the leading doctrines of the Reformation, the fall of the Church may be counted on; and, because of such a change, ought not to be regretted."

And the House of Bishops and House of Deputies, in the year 1814, united in the following declaration: "It having been credibly stated to the House of Bishops that, on questions in reference to property devised before the Revolution to congregations belonging to the Church of England, and to uses connected with the same, some doubts have been entertained in regard to the identity of the body to which the two names have been applied, the House thinks it expedient to make the declaration,—That the Protestant Episcopal Church in the United States of America is the same body heretofore known in these States by the name of the Church of England,—the change of name, *although not of religious principle, in doctrine, or in worship, or in discipline*, being induced, by a characteristic of the Church of England, supposing the independence of Christian Churches under the different sovereignties to which their allegiance in civil concerns belongs. But that, when the severance alluded to took place, and ever since, she conceived herself as professing and acting upon the principles of the Church of England, is evident from the organization of our Conventions, and from their subsequent proceedings."

It has been urged that this Declaration cannot constitute a law. It is not relied upon as the enactment of a law. It is referred to as the highest evidence of what the body in which Legislative power exists thought was the law. It was the renewal, by the whole Church, through her full representative organ, of the solemn avowal, oft before announced, that we are one with the Church of England; one in faith, one in orders, one in worship, and one in discipline, with no severance but what has sprung from substituted political relations. In this great truth, this living principle, we have the source of stability, the mother of quietness, the sure light to our feet in the search for truth.

We have been communing with the Confessors and Martyrs of the Reformation of England, and with our own

fathers, who were imbued with their principles, partook of their sanctity, and brightened the links of that unity which brings us to bow together at the same altar of sacred truth. The heavenly grace, the gospel-born faith of the most godly daughter of the Reformation is ours by descent. Deep should be our gratitude to those who guarded this goodly heritage from spoil, nay, who, changing it with solemn reverence, as if touching the ark of the law, made it yet more perfect by making it still more primitive.

“ Patriots, informed with apostolic light,
Were they, who, when their country had been freed,
Bowing with reverence to the ancient creed,
Fixed on the frame of England’s Church their sight,
And sought in filial love to re-unite
What force had severed.”

(Wordsworth.)

ACTION OF 1868 AND 1871.

§ 40. Action in 1868, 1871. The proceedings in the General Convention of 1868 and 1871 may properly be noticed here. The Committee on Canons in 1868 concluded a majority report as follows: "That, in the avoidance of the dangers of lawlessness and irreverence on the one hand, and of extravagance and superstition on the other, the preservation of doctrine from peril of intentional or unintentional change, require from all ministers of this Church, celebrating divine service in churches or other established places of public worship, a conscientious, and, so far as may be, steadfast, adherence to such vestments, ceremonies, practices, and ornaments as, by reason of long continuance, or by authority, are recognized as properly belonging to this Church, avoiding errors either by excess or defect; and further, that in all matters doubtful, for the avoidance of unseemly disputes and contradictory practices, which tend neither to good name nor to godliness, reference should be made to the Ordinary, and no changes should be made against the godly council and judgment of the Bishop."

The minority report, differing little in principle, recommended specifically some regulations thus: "That none other than the clerical habits known to our Fathers and referred to by the House of Bishops at the General Convention of 1814, as appropriate to ministers officiating in the congregation, bands, gowns, and surplices, with their customary appendages, cassocks, and black stoles, be provided."

"That, in the judgment of this Convention, the burning of lights in the order of the Holy Communion, the burning of incense, reverences to the Holy Table, or to the elements, making the sign of the cross (except when prescribed in the Rubric), in and during divine service or the celebration of the Lord's Supper, are innovations on our mode of conducting public worship, offend against the common order of the Church," etc.

The proceedings of the Convention resulted in the ap-

pointment of a Committee of the House of Bishops, to consider whether any additional provision for uniformity in matters of Ritual, by canon or otherwise, is practicable and expedient, and to report at the next Convention.

That Committee, consisting of the Bishops of Delaware, Connecticut, New Jersey, Rhode Island, and Pittsburg, made a report in 1871, concluding as follows :

OF RITUAL.

The Committee report the following as the matters upon which they respectfully recommend legislation :

1. They recommend that certain acts in the administration of the Holy Communion, and on other occasions of public worship hereinafter enumerated, be prohibited by Canon, to wit :

First. The use of incense.

Second. Placing or retaining a crucifix in any part of the church.

Third. Carrying a cross in procession in the church.

Fourth. The use of lights on or about the Holy Table except when necessary.

Fifth. The elevation of the elements in the Holy Communion in such manner as to expose them to the view of the people as objects toward which adoration is to be made, in or after the Prayer of Consecration, or in the act of administering them, or in conveying them to or from the communicants.

Sixth. The mixing of water with the wine as a part of the service, or in presence of the congregation.

Seventh. The washing of the priest's hands or the ablution of the vessels in the presence of the congregation.

Eighth. Bowings, crossings, genuflexions, prostrations, reverences, bowing down upon or kissing the Holy Table, and kneeling, except as allowed, provided for or directed by rubric or canon ; it being provided that reverence at the mention of the name of the Lord Jesus is not intended to be disallowed ; and it being further provided that private,

personal devotion before or after official ministration is not to be understood to include or justify any of the acts prohibited.

Ninth. The celebration or receiving of the Holy Communion by any Bishop or priest when no person receives with him.

Tenth. Employing or permitting any person or persons not in the Holy Orders to assist the minister in any part of the Order for the Administration of the Holy Communion.

Eleventh. Using at any administration of the Holy Communion any prayers, collects, gospels, or epistles other than those provided in the Book of Common Prayer, or under § xiv. of canon 13, of title 1 of the Digest.

They further recommend here :

First. That no rector of a parish, or other minister, shall be allowed to introduce the choral service without the consenting vote of the vestry, or contrary to the prohibition of the Bishop.

Second. That no surpliced choir shall be employed, except under the same limitations, and when such choirs are employed, the only addition to their ordinary attire shall be a surplice reaching to the ankles.

Third. That no chancel shall be allowed to be so arranged as to prevent the minister from officiating at the right end of the Holy Table.

It is to be noted that a Credence Table is lawful.

2. The Committee further recommend that Canonical provision be made touching the dress appropriate to clergymen ministering in the congregation, and that the only vestments declared to be appropriate to clergymen so ministering be—

First. For Bishops, the present Episcopal robes.

Second. For all ministers, a white surplice, a black or white stole, a black cassock not reaching below the ankles, a black gown and bands.

They also recommend that provision be made—

First. That on occasions of services where expediency

or necessity of health may require it the University Cap may be used.

Second. That candidates for Orders who are licensed to act as lay readers may use the academical black gown.

3. In addition to the Canonical provisions now recommended, and in consideration of the fact that "nothing can be so plainly set forth but doubts may arise in the use and practice of the same," the Committee further unanimously recommend that some action be taken to carry out, in such manner as may secure its observance, the principle declared in the second resolution sent to this House by the House of Clerical and Lay Deputies at the General Convention of 1868, to wit, that "in all matters doubtful, reference shall be made to the Ordinary, and no changes shall be made against the godly council and judgment of the Bishop."

In conclusion, the Committee recommend the adoption of the following resolutions :

Resolved, That this report be communicated to the House of Clerical and Lay Deputies.

Resolved, (the House of Clerical and Lay Deputies concurring,) That a joint Committee, consisting of three Bishops, three presbyters, and three laymen, be appointed, to whom the subject-matter of this report shall be referred, with directions to report to this Convention, at as early a day as practicable, such Canons as they may deem necessary in the premises.

All of which is respectfully submitted.

(Signed,)

ALFRED LEE,
J. WILLIAMS,
T. M. CLARK,
W. H. ODENHEIMER,
J. B. KERFOOT.

A joint Committee was appointed, which reported a Canon as follows :

SECTION 1. This Church, holding fast its liberty in Christ, its Head, recognizes no other law of ritual than such as it shall itself have accepted or provided ; meaning thereby in

no wise to prejudice or arraign the differing rites, usages, customs, or laws of other branches of the Church of Christ.

SECTION 2. The provisions for ritual in this Church are :

First, The Book of Common Prayer, with the Offices and Ordinal thereto appended, as adapted to the use of this Church by additions, omissions, or other alterations from time to time constitutionally made.

Second, The Canons of the Church of England, in use in the American provinces before the year 1789, and not subsequently superseded, altered, or repealed by legislation, general or diocesan, of this Church.

Third, The canonical or other regular legislative or judicial action or decisions of this Church, in its conventions, general or diocesan, or by its duly constituted authorities.

SECTION 3. For the greater uniformity and simplicity of the public worship of this Church, for the more effectual enforcement of due habits of solemn reverence in its congregations, and out of considerate regard to the conditions under which the extension of the Church is now and hereafter to take place,—it is hereby declared and provided that in all questions arising concerning ritual observance, the administration of the law of ritual of this Church, whether for enforcement or restriction, appertains to the office and duty of the Ordinary, whose official written determination, whether of his own motion, or at the official demand either of a rector or of a vestry, shall be held to be the settlement of any question which shall at any time arise concerning ritual: provided, however, that contradictory determinations shall be subject, on memorial or otherwise, to revision by the House of Bishops, under such rules and regulations for bringing the same before them, as said House of Bishops shall prescribe.

The following resolution was also presented :

Resolved, That a joint Committee, consisting of three Bishops, three presbyters, and three laymen, be appointed to examine the Canons of the Church of England of 1603, and report to the next General Convention what portions

were in use in the American provinces in the year 1789, and how far the same have been modified by repeal or alteration, or other mode, by the action of this Church in its conventions, general or diocesan, and whether any portion requires modification or repeal.

Notice of the following proposed amendment was given :

Resolved, That the foregoing Canon shall not go into operation until the General Convention of this Church shall have determined and declared what Canons of the Church of England were in use in the American provinces in the year 1789.

In chapter vii., § 3, I have examined the canons of 1603 at length, and submitted how extremely inadequate they would prove to guide us upon points of Ritual.

This Canon was not adopted.

Afterward the House of Bishops adopted the following resolution :

Resolved, The House of Clerical and Lay Deputies concurring, that the following Canon be adopted and enacted, to be entitled Canon —

The elevation of the elements in the Holy Communion in such a manner as to expose them to the view of the people, as objects toward which adoration is to be made, in or after the Prayer of Consecration, or in the act of administering them, or in carrying them to or from the communicants, or any gesture, posture, or act implying such adoration, and any ceremony not prescribed as part of the Order of the Administration of the Lord's Supper, or Holy Communion, in the Book of Common Prayer ; and the celebration or reception of the Holy Communion by any Bishop or Priest, when no person receives with him ; likewise the use at any Administration of the Holy Communion of any Hymns, Prayers, Collects, Epistles, or Gospels other than those appointed in the authorized Formularies of the Church, or under section 19 of canon 13, title 1 of the Digest, are forbidden.

The House of Deputies refused to concur by a vote of Dioceses ; clerical, 17 to 18, divided 4 ; but a Lay vote of 18 in favor against 12, and divided 3.

The final action of the Convention was the adoption of the following resolutions by both Houses :

“Resolved, That this Convention hereby expresses its decided condemnation of all Ceremonies, Observances, and Practices, which are fitted to express a doctrine foreign to that set forth in the authorized standards of the Church.

Resolved, That, in the judgment of this House, the paternal counsel and advice of our Right Reverend Fathers, the Bishops of the Church, are deemed sufficient at this time to secure the suppression of all that is irregular and unseemly, and to promote greater uniformity in conducting the public worship of the Church, and in the Administration of the Holy Sacraments.”

The positive results of the labors of the Convention are these :

The declaration of a rule or principle, which it was very useful to have declared, but which was as absolute and certain a rule before as after such declaration. To teach by a ceremony what is foreign to a doctrine of the Church is as essentially unlawful as to contradict such doctrine in words.

That the authority of the Bishops (doubtless each in his own Diocese) is the proper and adequate power for correction or avoidance of irregularities or excesses.

But something more has been indirectly obtained. There is the decided condemnation by the five eminent Prelates who signed the report, of specific extravagances and evil ceremonies, and recommendations in other matters ; all which cover a very large part of the offences or irregularities weakening the Church.

There is a union in this action, by many other Bishops, so extensive as to warrant the expectation of great uniformity of action by the Bishops in their respective Dioceses.

Still, after all, if a minister is complained of for using a ceremony or observance, the question of its legality—the question of its repugnance to a doctrine of the Church—is for the Ecclesiastical Court to determine in the first place, and for the Bishop, judicially, in the last. And hence the

exploration and exposition of what is the law seems as necessary as ever.

Nor is it to be forgotten, that this action is not in the form of legislation. The practical operation and influence may not be different; but, if the general principle was to be affirmed at all, it would have been better to have announced it thus. That it was the law, and should be deemed and taken to be the law of the Church, that all Ceremonies, etc., are unlawful.

§ 41. English
Decisions. Then arises a very important question as to the force which the decisions of the English Tribunals, expository of the same or similar provisions of our own Church, or of what we hold binding with us, may possess.

We answer, that they have precisely the same force which the authorities of the Civil Courts possess in our Civil tribunals.

Without a large enumeration of cases, we state the rule in the language of Chief Justice Marshall, of the Supreme Court of the United States: * "The United States, having at one time formed a component part of the British Empire, their prize law was our prize law. When we separated, it continued to be our prize law, so far as it was adapted to our circumstances, and was not varied by the power which was capable of changing it."

"It will not be advanced, that any obvious misconstruction of the law made by the British Courts will be considered as forming a rule for the American Courts, or that any recent rule of the British Courts is entitled to more respect than the recent rules of other countries.

"But a case professing to be decided on ancient principles will not be entirely disregarded, unless it be very unreasonable, or be provided on a construction rejected by other nations."

The rule in the State of New York, and in other States,

* 9 Cranch Rep., 191.

is, that such decisions, made before the Revolution, are binding, as explanations of the law; but those made subsequently are resorted to for instruction and assistance. It is impossible to take up a volume of even our latest Reports, without seeing how the reasoning and conclusion are influenced by even this class of English cases.

“Judicial decisions contained in Reports, the treatises and digests of learned men, contain the most certain evidence and most authoritative application of the rule of law.” (Kent’s *Commen.*, fol. 473, marginal paging.)

The decisions of Ecclesiastical Courts before the Revolution, which are now to be found, are very few. Frequently, the Civil Courts have entertained questions of an ecclesiastical character, but rarely connected with Ritual. The decisions of later years have been numerous and important. Regular Reports from the year 1820 are extant.

When we find, then, an English judicial decision upon a Ritual question, pronounced by the authorized tribunal, and that decision is upon a provision identical with, or similar to, one of our own, the decision is presumptively binding. It does not preclude any inquiry through which its force may be impaired or overthrown. It demands some grounds in reasoning, or counter authority, to do so.

And when a point arises beyond this comprehensive body of cases, the inquiry then is, What is the law of the English Church? and, that ascertained, we have a guide, unless we prove it inapplicable, contrary in principle to a rule of the Church, or erroneous upon the very basis on which it proceeds.

And while we unite in the strongest condemnation that has been expressed of the decisions upon doctrine, as in this *Gorham* case, and the cases upon the *Essays and Reviews*, we insist that the English Courts, as now framed, are most admirably adapted for the construction of Rubrics, Canons, and Statutes pertaining to Ritual, or other Ecclesiastical matters. The trained judicial mind is the fittest in this sphere, as in purely civil laws, to investigate amply and decide wisely.

CHAPTER II.

THE ORDER OF THE HOLY COMMUNION.

§ 1. Comparative Table. The following Comparative Table may be found useful :

The mark “ indicates the correspondence of the other Books with that of 1789. The — shows what are omitted in the other Books.

Book of 1789.	1549.	1552.	1662.
The Lord's Prayer and Collect.....	“	“	“
The Ten Commandments.....	—	“	“
Summary of the Law.....	—	—	—
One of the English Collects after } the Offertory or Communion.. }	Collect for the King.	Same.	Same.
The Collect of the Day.	“	“	“
The Epistle.....	“	“	“
The Gospel.....	“	“	“
Glory be to thee, O Lord.....	“	—	—
The Apostles' or Nicene Creed...	Nicene.	Same.	Same.
The Sermon.....	Sermon or Homily.	Same.	Same.
The Offertory Sentences.....	“	“	“
Prayer for the Church Militant....	After the Te igitur.	“	“
The Exhortation.....	“	“	“
The Visitation.....	“	“	“
The Confession.....	“	“	“
The Absolution.....	“	“	“
The Comfortable Words.....	“	“	“
Sursum Corda.....	“	“	“
Proper Prefaces.....	“	“	“
The Trisagium.....	“	“	“
The Prayer of Access.....	“	“	“
The Consecration.....	Before the Invitation.	“	“
The Oblation.....	“	—	—
The Invocation.....	“	In part after Reception.	Same.
The Words of Delivery.....	“	“	“
The Thanksgiving.....	“	“	“
Gloria in Excelsis.....	*	“	“
The Dismissal.....	“	“	“

* This is near the beginning of the Service in this Book of 1549.

The correspondence thus exhibited is very marked. The language of our own Book is nearly always the same as that in one of the English, or in the Scotch Communion Office, which we shall often refer to. The differences of any import are few, and will be hereafter stated.

Book of 1789.

1662.

§ 2. The First Exhortation. When the Minister giveth the warning for the celebration of the Holy Communion (which he shall do upon some Sunday or Holy Day immediately preceding) * he shall read the exhortation following, or so much thereof as, in his discretion, he may think convenient. * after the Sermon or Homily ended, he shall read.

The Rubric in the Book of 1549 was: "If, upon the Sunday or Holy Day, the people be negligent to come to the Communion, then shall the Priest earnestly exhort his parishioners to dispose themselves to the receiving of the Holy Communion more diligently, saying these or like words unto them: Dearly beloved, and you especially upon whose souls I have care and charge, on ——— next, I intend, by God's grace," etc.

Every sentence of our own Exhortation is found in this First Book, with some slight variations of language. But we have omitted several passages. For example, "For neither the absolution of the Priest can anything avail them (the unrepentant), nor the receiving the Holy Sacrament do anything but increase their damnation."

The following contrasted portions of the Exhortation are important upon the question of Confession:

1549.

"And if there be any of you whose conscience is troubled and grieved in anything, lacking comfort or council, let him come to me, or to some other learned and discreet Priest, taught in the law of God, and confess and open his sin and grief secretly, that he may receive such ghostly council, advice, and comfort that his conscience may be relieved; and that of us (as of the Ministers of God and the Church) he may receive comfort and absolution, to the satisfaction of his mind and the avoiding of all scruple and doubtfulness, requiring such as shall be satisfied with a general confession, not to be offended with them that do use, to their further satisfying, the auricular and secret confession to the Priest; nor those which think

it needful or convenient for the quietness of their own consciences particularly to open their sins to the Priest to be offended with them that are satisfied with their humble confession to God, and the General Confession to the Church."

(1552-1559.) "And because it is requisite that no man should come to the Holy Communion but with a full trust in God's mercy and with a quiet conscience; therefore, if there be any of you which, by the means aforesaid, cannot quiet his own conscience, but requireth further comfort or counsel, let him come to me, or to some other learned and discreet Minister of God's Word, and open his grief, that *he may receive such ghostly counsel, advice, and comfort as his conscience may be relieved, and that* by the Ministry of God's Word he may receive comfort, and the benefit of absolution, to the quieting of his conscience and the avoiding of all scruple and doubtfulness."

(1662.) The same as in 1552, except the clause above in italics, ended thus: "That by the ministry of God's Holy Word, he may receive the benefit of Absolution, together with ghostly counsel and advice, to the," etc.

(1789.) And because . . . "let him come to me or to some other Minister of God's Word, and open his grief, that he may receive such ghostly counsel and advice as may tend to the quieting of his conscience, and the removing of all scruple and doubtfulness."

This historical review of the Exhortation is of itself a plain condemnation by our Church of Auricular Confession, coupled with, and to obtain Absolution. Advisedly, in this revision the clause is omitted, and advisedly but one purpose is declared, viz., the obtaining counsel and advice. Still further to evince the mind of the Church, the Absolution in the Office for the Visitation of the Sick is omitted.

Bishop Hopkins has examined the English Offices upon this subject, and specifies fifteen particulars in which the English doctrine and practice differ from the Romish. But,

while vindicating the English Church, he rejoices that our own has avoided every trace of the abuse.*

It may be observed, that the form of Absolution in the English Offices was directed, in the Book of 1549, to be used in all private Confessions.†

1789.

1662.

§ 3. The Second Warning. Or in case he shall see the
people negligent to come to the
Holy Communion, instead of the former,
he shall use this Exhortation.

There was no corresponding Exhortation in the Book of 1549. That in the Book of 1552 was in the same language as our own, except that it contained the words, *I for my part shall be ready, and* before the words “according to mine office.” It was read, however, during the Service. It began: “We be come together at this time.”

§ 4. Rubrics as to Notice. The several English Books have a Rubric, directing, that they who intend to be partakers of the Communion should signify their names to the curate, at least some time the day before. By the Book of 1549, it was over night, or else in the morning, before the beginning of Matins, or immediately after. The latter words are explained by the fact, that there was a space of time between Matins and the Communion.‡

A note of Bishop Brownell points out the omission of any such Rubric in our Office, and the probable reasons. He suggests the expediency of such a notice for the first Communion.§

§ 5. Rubric as to Evil Livers, etc. “If, among those who come to be partakers of the Holy Communion, the Minister shall know any to be an open and notorious evil liver, or to have done any wrong to his neighbours, by word or deed, so that the congregation be thereby offended, he shall advertize him, that he presume not to come to the Lord’s Table until he had openly declared himself to have truly repented and

* The Confessional, 43–48.

† Keeling’s Lit., 317.

‡ Bully’s Variations, p. 140, citing Nicolls and Heylin.

§ Family Prayer-Book, p. 360.

amended his former evil life, that the congregation may be thereby satisfied; and that he hath recompensed the parties to whom he hath done wrong, or at least declare himself to be in full purpose so to do, as soon as he conveniently may."

There is no substantial difference between this Rubric and the corresponding one in the English Books. We transcribe the next Rubric before submitting any remarks: "The same Order shall the Minister use with those between whom he perceiveth malice and hatred to reign; not suffering such to be partakers of the Lord's Table until he knows them to be reconciled. And if one of the parties so at variance be content to forgive, from the bottom of his heart, all that other hath trespassed against him, and to make amends for that wherein he hath himself offended, and the other party will not be persuaded to a godly unity, but remaineth still in his frowardness and malice; the Minister in that case ought to admit the penitent person to the Holy Communion, and not him that is obstinate. *Provided*, that every Minister repelling any, as is herein specified, shall be obliged to give an account of the same to the Ordinary, as soon as conveniently may be."

This agrees nearly word for word with the Rubric of 1662, except that the Proviso is thus expressed: "Provided that every Minister so repelling any, as is specified in this, or the next preceding paragraph of this Rubric, shall be obliged to give an account of the same to the Ordinary, within fourteen days after, at the furthest. And the Ordinary shall proceed against the offending person according to the Canon."

There was no similar provision in the earlier Books.

The Canon referred to is the 26th, of 1603, providing "that no Minister shall in anywise admit to the receiving of the Holy Communion any of his care or flock, which be openly known to live in sin notorious, without repentance, nor any who have maliciously contended with their neighbours, until they shall be reconciled."

A Canon of our own Church (Tit. II., Canon 12) directs:

“If any persons within this Church offend their brethren by any wickedness of life, such persons shall be repelled from the Holy Communion, agreeably to the provision in the Second Rubric, before the Communion Service; provided that every Minister, repelling from the Communion, shall give an account of the same to the Ordinary; and it is hereby provided that, on the information to the effect stated being laid before the Ordinary, it shall not be his duty to institute an inquiry, unless there be a complaint made to him in writing by the repelled party, within three months of such repulsion. But on receiving a complaint, it shall be the duty of the Bishop (unless he think fit to restore him, on account of the insufficiency of the cause assigned) to institute an inquiry, as may be directed by the Canons of the Diocese in which the event has taken place. And should no such Canons exist, the Bishop shall proceed according to such principles of law and equity as will secure an impartial decision.”

“In case of great heinousness of offence on the part of members of the Church, they may be proceeded against to the depriving them of all privileges of Church membership, according to such rules or process as may be provided by the General Convention; and until such rules or process shall be provided, by such as may be provided by the different Diocesan Conventions.” (*Ibid.* [3].)

By an Act of 1 Edward VI., cap. 1, it was provided, “that the Minister should not, without a lawful cause, deny the Communion to any person, who will devoutly and humbly require it, any law, or ordinance, or custom, to the contrary notwithstanding.

St. Austin attests the ancient practice of the Church when he says: “We cannot repel any man from the Communion, unless he has freely confessed his offence, or has been accused and convicted in some Ecclesiastical Consistory, or Secular Court; for who dare assume to himself to be both accuser and judge?”

Justinian enforced this rule of the Church by a decree forbidding Bishops and Priests from separating any man

from the Communion, before his crime was evidently proven against him.

We must recollect the distinction in Canon Law between the greater excommunication and the lesser, which was suspensory merely. The former was the forfeiture of all rights of Christian Communion. This was founded on confession, on the evidence of credible witnesses, after notice, and upon such notoriety of the facts as made a man liable to excommunication, *ipso facto*, as in the case of those who fell by offering sacrifice in the time of persecution.*

Van Espen† states a case and resolution of value, arising in Lorraine. He cites the Roman Ritual, that all the faithful are to be admitted to the Holy Sacrament, except such as may be prohibited for just cause. They who may be rejected are the publicly infamous, such as the excommunicated, interdicted, fornicators, sacrilegious, and blasphemers. The question is then put, whether the pastor was bound to have the decision of the Official Superior upon the case, before he repel the party. The resolution of Van Espen and other Doctors is in the negative. They observe that notoriety of crime is either notoriety of law or of fact. The former is, when a judicial sentence has been pronounced, or a confession made. The latter is that which no one denies, or is attested by general popular evidence, or is open to sight.

Provision has been made in various Dioceses for the mode of proceeding in such cases. In New Jersey, Pennsylvania, Wisconsin, Massachusetts, and Rhode Island, Canons have been adopted. Laymen form part of the Board of Inquiry. When no provision has been made, the mode is in the discretion of the Bishop.‡

In Hoffman's Laws of the Church (p. 444, n.) are the details of a case before the Standing Committee of New York, during the suspension of Bishop Onderdonk. Having

* Bingham, xvi. 3.

† Vol. I., Appendix O.

‡ Codex, Intro. 1, 3. Stillingfleet, Ecc. Cases, 94, 95. Canon of General Convention, above cited.

satisfied themselves of their authority in the matter, a letter of appointment was issued, authorizing and appointing two clergymen and two laymen to make inquiry into the truth of the allegations against the party repelled; to take the evidence of witnesses in writing, to be sworn by some officer empowered to administer oaths, and to give reasonable notice to the parties. It recited that the Rev. — did, in a written notice, give an account to the Standing Committee, of his having repelled A. B. from the Holy Communion, as guilty of publishing a false and malicious libel upon the character of —, Rector of — Church, which account was accompanied with sundry documents. And that the said A. B. had appealed from the act of the Rev. —, in so repelling him. The Commissioners were to return the documents and evidence taken, with their opinion.

Great difficulties have been felt by the Commentators as to the meaning and application of the Rubrics and Canon.

The first clause relates to the case of an open and notorious evil liver. Andrews and Lestrange hold, that the law does not permit the Minister to judge any one a notorious offender, but him who is so convicted by some legal sentence.* At least, says the latter, he must have been presented to the Ordinary for an offence.

Archdeacon Sharp examines the question at length. He dwells upon the duty of a Minister to obey the Rubrics, and follow the Liturgy, and upon their obligations as Ministers of Christ and of higher force. No law has discharged us from following the Rubric in its most obvious and natural sense, nor can any authority be shown for our dispensation in not observing it. What seems doubtful in the Rubric is made plainer in the Canons, which are the best interpreters of it. Upon the whole, though this Rubric may require some explanation, as Bishop Cosins remarks, for the avoiding of disputes and doubts between the Communicants and Curates, yet if it be taken in all its parts, viz., that no per-

* Cited Sharp on the Rubric, etc., p. 42.

son, however notoriously wicked, shall be withheld from the Communion, till he be admonished to withdraw himself, and that, when he is repelled upon his obstinacy, it is only till such time as the advice of the Ordinary can be had. It seems the best, and, I think, the only Ecclesiastical rule we have to go by in such cases."

Again, he refers to the Canon against Schismatics and Depravers of the Book of Common Prayer, the Articles of Religion, etc., and to the 21st Canon, prohibiting the Minister from giving the Communion to such. These Canons, indeed, declare such Schismatics, etc., to be, *ipso facto*, excommunicated. But, he observes, these Canons have no effect at Common Law without a declaratory sentence of an Ecclesiastical Judge, as the civilians state, the Canon excluding such cannot have effect until after such sentence; which opinion was given in an extraordinary case, that of Richard Baxter. No nonconformist was more obnoxious upon the footing of the *ipso facto* excommunication, yet he often communicated in the Church of England, and was permitted to do so upon the distinction, that not being legally declared excommunicated, he could not Canonically be repelled. (p. 104.)

Jeremy Taylor* discusses the subject under the title "Whether may every Minister of the Church reject impenitent persons?" He says: "Separation from the Communion was either done upon confession and voluntary submission of the penitent, or by public conviction and notoriety. Every Minister of religion can do the first, for he that submits to my judgment, does choose my sentence. But concerning the latter, there are two ways: first, by the word of our proper Ministry dissuading him that is unworthy from coming, and threatening him with Divine judgment if he does come; or rejecting of him in case he fears not these threatenings, but persists in his desire. Of the first, every Minister of the Word and Sacraments is competent, for all that minister unto souls are to tell them

* Vol. iii., p. 945; Ed. 1853.

of their dangers; for the second, viz., denying to minister to criminals, demanding it with importunity, that is an act of prudence and caution in some cases, and of authority in others."

He makes the first to be not a punishment, but a remedy, and to depend upon the party's consent.

"But," he proceeds, "sometimes it is an act of authority, as when the people have consented to such an act of discipline, or when the secular arm, by assisting the ecclesiastical, hath given to it a power of mixed jurisdiction."

"Every man is to be presumed fit that is not known to be unfit, and he that is not a public criminal is not to be supposed unworthy to communicate."

"No man can be separated for any private sin vehemently or lightly suspected. This censure must not pass but when the crime is manifest and notorious." He cites Linwood with approbation: "Every Christian hath a right in receiving the Eucharist, unless he lose it by deadly sin; therefore, when it doth not appear in the face of the Church that such a one has lost his right, it ought not, in the face of the Church, to be denied him."

Again, he says: "It is lawful for the guides of souls to admit to the Communion such persons whom they believe not to be fit and worthily prepared, if they will not be persuaded to retire." He argues this at length.

We refer to another great authority. Hooker* enters into an earnest defence of the admission of Roman Catholics to the Communion, in opposition to Cartwright and others, vehemently condemning it. Cartwright called such an admission of a Papist a profanation of the Table of the Lord, and giving the meat prepared for children to the dogs.

It is impossible to give Hooker's reasoning at length; but one great point is this: "They, if not disabled by open, notorious crimes, are not disabled by the corruptions and

* Book V., chap. 68, 5-9

imperfections of a faith which still retains much of truth."

The course of the Dean of Westminster in inviting to the Communion the members of the Committee on the Revision of the Bible, has caused great excitement and discussion. The Archbishop of Canterbury alludes to the legal question whether any could be repelled who were not disabled within the Rubric. This may be upon the view, that Dissenters are technically members of the Church, though released by the Act of Toleration from attendance upon the Parish Church, and other obligations.

The principal and very indignant condemnation has been directed against the invitation of one publicly known as a Unitarian Minister. The Bishop of London quotes the 27th Canon as warranting a repulsion on the ground of a denial of the Trinity recognized in the Thirty-nine Articles. He cites Waterland in support of this conclusion. The discussion by the latter will be found in the fifth volume of his works, p. 75-96. His opinion is clear and decided, that such as deny the Trinity, as avowed by the Church, ought to be refused admission. His reasoning extends to those also who deny other doctrines, which he considers fundamentals.

Among the points raised was the effect of the Rubric in the office of Confirmation, that none should be admitted to the Communion unless he had been confirmed, or is ready and desirous to be confirmed. Very little stress has been laid upon this apparently so weighty a provision.

Dr. Wilson, in his edition of Mant on the Rubric, notices, that there is a difference in practice, though not in regard to those who have grown up in our own Communion, or intend permanently to join it. But in some parishes it was customary to allow members of other denominations to communicate occasionally. His conclusions are, that no one should become a regular Communicant without notice to, and the assent of, the Minister; that if others presented themselves, the Minister should doubtless receive them for the time, but he should take an early opportunity to

inform such persons of the directions of the Church by which he is bound.*

On this point, the Rubrical directions in the Book of 1549, and the alterations, deserve much consideration. The proposition may be tenable that the Rubric, as it now stands, was meant to apply to those only who had been brought into the Church by Baptism, had been nursed by its Catechism, and were minded to perfect their union in this Sacrament.† Hooker, writing while the Book of 1559 was in force, and the Rubric had not the alternative of a readiness to be confirmed, defends the admission of Roman Catholics. He does not allude to the Rubric. It cannot be supposed that he is treating the confirmation of the Romish Church (without imposition of hands) as sufficient. And if Romanists may be admitted, surely members of the great Protestant bodies, with so many notes of a true Church, should be welcomed.

Upon this delicate subject we submit some points which seem reasonably clear.

A member of the Church, even if made such by a mere right to vote, is bound by his own voluntary act to submit to the law of the Church. He agrees, therefore, that under certain circumstances he may be refused admission to the Communion, or be repelled from it. He further agrees that the judge of such circumstances shall be the Minister primarily, and the Bishop ultimately.

Hence the rule stated by Andrews and L'Estrange, of the necessity of a legal conviction, cannot be accurate.

An open offence, such as intoxication at the time, warrants and demands repulsion. Such a case occurred in the experience of one of our Bishops. Known general habits of intemperance justify it. Notoriety and the Congregation being offended are the guiding principles of this part of the Rubric. The latter can scarcely occur without the former.

* Page 147.

† See the Rubrics in the offices of Catechism and Confirmation, in the Books of 1549, 1552, 1559, and 1662. The Interleaved Prayer-Book, 199, 200. Procter, 394-398.

In relation to veiled and slightly known moral offences, much caution is demanded by both law and prudence. The previous admonition suggested by Archdeacon Sharp should be given.

And with respect to such as deny a fundamental of our faith, like the Trinity, it appears to us to be a bounden duty to exclude, when the fact is unquestionable. But as to others professing Christianity, and avowing its doctrines by using the Apostles' Creed, their admission seems most charitable, most judicious, and most consistent with early laws.

1789.

1662.

§ 6.	The <i>Table</i> , at the Communion time, having a fair white linen cloth upon it, shall stand in the body of the Church or Chancel.
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And the Minister, standing at the *right* side of the Table, or where Morning and Evening Prayers are appointed to be said, shall say the Lord's Prayer and the Collect following, the people kneeling; but the Lord's Prayer may be omitted, if Morning Prayer hath been said immediately before.

or in the Chancel, where Morning and Evening Prayers are appointed to be said.

And the Priest, standing at the north side of the Table, shall say the Lord's Prayer and the Collect following, the people kneeling.

The Book of 1549 had no direction as to the place of the Altar in the Church or Chancel. The fixed locality was, we understand, the Eastern end, and adjoining the wall. There are some traces subsequently of its being like the Basilica with a space behind, by which means the Priest faced the people. In 1552, the present Rubric was adopted.

The Rubric directs that the Table shall at the Communion have a fair white linen cloth upon it. The English direction is the same.

And by the 82d Canon of 1603, it was ordered, that the

tables shall from time to time be kept and repaired in sufficient and seemly manner, and covered, in time of Divine Service, with a carpet of silk, or other decent stuff, thought meet by the Ordinary of the place, if any question be made of it; and with a fair linen cloth at the time of the Ministration, as becometh that Table.

[1.] The Cover-
ing. The covering of the Table with a fair linen cloth was a very ancient practice. It is called in the Sacramentary of St. Gregory *palla Altaris*. The Scottish office ordered a carpet and a fair white linen cloth upon it.

The author of the Annotated Prayer Book contends that the term *white* applies only to the body of the cloth; the word *fair* admits of embroidery, or any degree of ornamentation. (p. 264.)

On the other side, the Judicial Committee, in *Liddell vs. Westerton*, and every Judge in every Court in which the subject has been discussed, have held, that the linen cloth covering the Table at the Ministration must be plain, and unadorned with lace, embroidery, or otherwise.

We presume to say, that the practice in our own Church has been so continuous, and so nearly universal, as might constitute a law of itself. United with the decided construction of the Rubric, it becomes an incontestable rule. And, as a matter of pure religious taste, no amount of ornament, however beautiful or delicate, can inspire such chastened reverence, as the spotless, simple cloth of white.

The Altar in the Eastern Church is vested by placing at the angles of the *Mensa* four small pieces of cloth, symbolizing the four Evangelists, called from them, and adorned with their respective emblems. Over these the *catasaka* of silk or stuff is spread, having four strings or tassels at its extremity, and over this the *Epeudusis*, the ex-covering, generally worked with crosses. The color of these vestments was perfectly immaterial, except that in Lent it was usually red.*

* Neal's Hist. East. Church, i. 187.

[2.] Position of the Table. Before 1549, it may be taken as a general if not a uniform rule, that the Altar stood at the Eastern end of the Chancel, against the wall. In 1549, a contest arose, and, by Ridley's Injunctions, the Altars were to be removed and Tables substituted.

An Order of Council, of November, 1550, enforced Ridley's Injunctions, directed Altars to be taken down, and, instead of them, a Table, to be set up in some convenient part of the Chancel, within every church or chapel.

Hooper's Visitation Articles contain an exhortation to the Curates to set up Tables in nearly the same words as the Injunctions of Ridley, adding: "Further, that the Minister, in the use of the Communion and prayers thereof, turn his face toward the people." *

As to the place for saying Morning and Evening Prayers, the history of the Rubrics is this:—In the Book of 1549, the Rubric in Matins was: "The Priest, being in the Quire, shall begin the Lord's Prayer." In 1552, it was: "The Morning and Evening Prayers shall be used in such place of the Church, Chapel, or Chancel, and the Minister shall so turn him as that the people may best hear. And if there be any controversy therein, the matter shall be referred to the Ordinary, and he or his Deputy shall appoint the place; and the Chancels shall remain as they have done in times past." The change from the Order of 1549 was caused by the interference of Bucer and Calvin.

The discretion as to the place thus vested in the Minister (subject to the revision of the Ordinary) led to diversity of practice.

Thus, in 1552, in St. Paul's, London, the Communion Table was placed at the lowest part of the Choir, where the Priest sang the Daily Service.†

Hooper enjoined his clergy to read the Service in such place of the Church, as that the people may best understand. And in case the Chancel stand far from the people . . . then they come into the body of the Church,

* Perry's Law, Orn., 72.

† Heylin's Hist., i. 269.

and there all things to be read in such sort that the people may understand.*

The Rubrics then fixed the place of the Table where the Minister had fixed the place for saying the Prayers.

But in 1559, the Book of Elizabeth, the Rubric was changed as follows: "The Morning and Evening Prayers shall be used in the accustomed place of the Church, Chapel, or Chancel, except it shall be otherwise determined by the Ordinary. And the Chancels shall remain as they have done in times past." This Rubric has remained unchanged.

It is admitted by all the writers I have examined† that the accustomed place spoken of in this Rubric was the Chancel, where there was one. The injunctions of Hooper, before cited, show this plainly. Whether there were Churches at that time without Chancels, I have not ascertained. It is improbable that there were such, though they existed in the time of Sancroft in 1661. He suggests that the Table should stand in the Chancel, or in the Church where a Chancel was wanting.‡

But the Rubric authorized the Ordinary to allot some other place for saying the Prayers. Reading Pews, or Desks, came into use. Dr. Hook thinks that the first notice of them is the order of the Bishop of Norwich, in 1569.§

By that order, in great Churches, where all the people cannot conveniently hear the Minister, the Churchwardens shall provide a decent and convenient seat within the body of the Church, where the Minister may sit or stand, and say the whole of the Divine Service; and that in smaller Churches there be some convenient seat outside the Chancel door.

Archbishop Grindal, in 1571, directs the Clergy thus: "Ye shall say or sing the Common Prayer standing in

* Robertson, *How to Conform*, p. 52.

† Procter, 197; Wheatly, 107; Robertson, p. 50.

‡ Bully's *Variations*, 142.

§ Dict. Tit. Pews.

a pulpit or seat, appointed for that purpose, and so turning your face towards the people, as they may best hear the same."

And in Articles to the Laity he orders a decent and low pulpit to be erected in the body of the Church, wherein the Minister shall stand with his face toward the people when he readeth the Morning or Evening Prayers; provided "that when the Churches are very small, it shall suffice that the Minister stand in his accustomed stall in the Choir, so that a convenient desk or Lettern, with room to turn his face toward the people, be there provided."

By the 14th Canon of 1604, the Common Prayers shall be said or sung in such place of every Church as the Bishop or Ecclesiastical authority of the Diocese shall think meet for the largeness or straitness of the same, so as the people may be most edified.

And by Canon 82, a convenient seat was to be made for the Minister to read service in, at the charge of the parish.

The introduction of these Reading Desks did not affect the location of the Holy Table. It might seem that, strictly, if the Chancel was not appointed for the Prayers, the body of the Church was the only place. But a custom, dating at least from the Restoration, repels this conclusion.

It is needless to refer to practices somewhat prevalent and sanctioned, of moving the Table at Communion, for convenience. Since the Restoration, the Table has been, perhaps universally, placed at the upper end of the Chancel, and the clause, "where Morning and Evening Prayers are appointed to be said," has been treated as superfluous. Shepherd says, "that these words ought to have been stricken out, after the place of reading was transferred from the Chancel to the Reading Desk."

In fact, the English Rubric is made precisely like our own in this particular. The Table is to be in the body of the Church, or in the Chancel. The clause as to Morning Prayers, etc., is transferred in our Rubric to the position of the Minister. The place of the Table is defined with us,

without the ambiguity which the clause produces. And the custom in our country has, I believe, been invariable, to place the Table in the Chancel, wherever there is one. This interprets the direction as if it read, "in the Chancel, if there be one, or else in the body of the Church."

[3.] Position of the Minister. The introduction of Reading Desks led to the practice by some of reading the Ante-Communion Service (at least when there was no Communion) at such Desks. Archdeacon Sharp notices the prevalence of such a custom, and quotes Dr. Bennet as justifying it.* A Rubric at the end of the Communion Office bears upon the point. The English one is this :

"Upon the Sundays and other Holy Days, if there be no Communion, shall be said all that is appointed at the Communion until the end of the general prayer (*for the Church Militant*), together with one or more of these Collects last before rehearsed, concluding with the Blessing." Our own Rubric is, "Upon the Sundays or other Holy Days (if there be no Sermon or Communion) shall be said all that is appointed at the Communion unto the end of the Gospel, concluding with the Blessing."

Wheatly's construction is, that *although* there be no Communion, this portion of the office shall be read ; and he combats with great force the reading of it at the Desk. (p. 315.)

And our House of Bishops, in 1821, gave a similar construction of our own Rubric. "The parenthesis means that although there be no sermon, or although there be no Communion, the Minister shall act as directed by the Rubric." †

The First Book of Edward contained a similar Rubric, and it was expressly ordered that the portion specified should be read at the Altar. There was nothing repugnant to this in the subsequent books, and the change of name from Altar to Table could not change the rule.

At the Savoy Conference, in 1661, one of the exceptions

* Brownell's Family Prayer-Book, p. 396.

† Ibid.

of the Presbyterians was, that the Minister be not required to rehearse any part of the Liturgy at the Communion Table, save only those parts which properly belong to the Lord's Supper, and at such times only when such Holy Supper is administered.

The Bishops answered, "That the Minister should not read the Communion Service at the Communion Table is not reasonable to demand, since all the primitive Church used it. The Priest, standing at the Communion Table, seems to give us an invitation to the Holy Sacrament, and minds us of our duty to receive the Communion, some at least every Sunday; and though we neglect our duty, it is fit the Church should keep her standing." *

Archdeacon Sharp, in answering Dr. Bennet, relies much upon the express direction that the Minister should stand at the north side of the Table, and the place of the Table was settled to be in the Chancel. He must be at the Table. The Table is in the Chancel. He cannot, therefore, read this part of the service at the Desk.

It is singular that our Rubric robs this argument of the force which it possesses under the English. "The Minister is to stand at the right side of the Table, *or* where Morning and Evening Prayers are appointed to be said." This favors the reading at the Desk more than the English Rubric does.

But there is no place appointed by authority for reading the Prayers. Nor is a Desk mentioned in any Office of the Church except in that for the Institution of Ministers. The officiating Priest is to go into the Desk, where he shall read Morning Prayers.

Whatever, then, were the reasons for adopting this clause connected with the position of the Minister, it cannot sanction the reading at the Desk, without an appointment for reading the Prayers there. The custom of reading such Prayers there is not an appointment.

Bishop Brownell appears to treat the clause as super-

* Bully's Variations, p. 216.

fluous or inapplicable. He quotes the comment of Shepherd above cited.*

The Rubric, after the first Collect, directs the Minister to *turn to the people* in rehearsing the Ten Commandments. In the great majority of cases he would be facing them while reading the Lord's Prayer and Collect, from the Desk. So, after the Gospel and notices, the Rubric is, "Then shall follow the Sermon. After which, when there is a Communion, the Minister shall *return to the Lord's Table*, and begin the Offertory." This pre-supposes that he went from the Table. The Bishops, in 1821, explaining the Rubric at the end of the Communion Office, use the same argument.

Dr. Wilson, in his edition of Mant on the Rubrics (p. 14), notices the difficulty arising from the language of our Rubric, and says: "I am at a loss to account for the appearance of these words in the Rubric at all, for I am confident that the Church has never *appointed a place* for the purpose specified. Though we generally have reading desks, they are not of her appointment. The words, therefore, refer to what does not in fact exist in this country. By a strict adherence to the letter of the Rubric, as it stands in our Book, the Minister must read this part of the Service at the *right* side of the Table. Every principle of Liturgical worship requires that the Ante-Communion Service should be said at the *north* or *right* side of the Table. The distinction between the Morning Prayers and the Communion Service is great, and ought to be kept in view. The Communion Service is peculiarly the Service of the Altar, and should be used there only." We may safely conclude that the clause in question is, in the present state of our Rubrical law, inapplicable.

[4.] North or Right Side. The only question, then, is, what is meant by the *North* side in the English, and *Right* side of the Table in our own Rubric. As the point seems to be definitely settled in England, and is really quite clear in our

* Family Prayer-Book, p. 362.

own country, we submit a brief review of what has been most elaborately discussed and contested.

The position of the Priest in the Romish Church, at the Mass, was, for a long time, fixed by its reference to the Altar. Thus, as he fronted the Altar placed at the east end, his right (*dextrum cornu*) would be to the south. But the Pontifical, in the year 1485, directed that the matter was to be determined by the position of the Crucifix. The right side (*cornu*) was then the north of the frontage and to the left of the Priest.*

The Use of Sarum clearly shows that right side and left side were the furthest parts, in either direction, of the front. The phrases *coram altare*, *coram altare in medio*, *dextrum cornu altaris*, *dextera et sinistra parte*, and *medium altaris*, occur. The Priest, during the whole of the Mass, was fronting the Altar, with his back to the people.

And two passages found in Forcellini's Dictionary, one from Livy and one from Tacitus, show, that, in Classic Latinity, *cornu* may mean the furthest point of frontage to the right or left of the middle.

In the Book of 1549, the first Direction was: *The Priest, standing humbly afore the middle of the Altar*, shall say the Lord's Prayer, etc. The phrases, "turning him to the People," "turning him to the Altar," "standing at God's Board," occur in different parts of the Service. The standing with the back to the people was clearly the rule, except when a different position was ordered. The standing at any part of the front was admissible except at the commencement.

The Book of 1552 changed the Rubric thus: The Priest, standing at *the north side of the Table*, shall say, etc.

It seems incredible that the framers of this alteration could have meant to restore the Romish or Sarum position of the right or left portion of the frontage. They change even the direction of 1549, as to standing afore the middle of the Altar, and substitute *the north side*. They were deviating yet more materially from Romish usages, and would,

* Sala, iii. 50; Le Brun, 157; apud Neal's Hist., i., p. 316, n.

we should think, have retained the Rubrics in the first book in preference to such a change. Yet Dr. Littledale and others have advocated this construction.*

If we bear in mind two leading facts, we apprehend the great diversity of opinion and supposed ambiguity will vanish. The disputes concerning the Altar, or Table, and its position, had arisen. To a great extent, the form was changed to that of a Table, as well as the name. It was placed, often table-wise, as it was termed; the shorter side or end of an oblong being against the wall, usually the eastern. And next, the removal, during Communion, to some other part of the chancel or church, was permitted.

Thus, then, there could be no imaginable case in which the Rubric would not be intelligible. Suppose, even, the Table stood with a short side against a Northern wall. If drawn out, the position could be assumed. But the Rubric should reasonably be interpreted by the fact, we believe, nearly universal, of the Table, like the Altar, being against the Eastern wall, a short end, instead of a longer side, touching it. Then the north side was the longer side, and the Minister would be facing to the South. When the Table stood like the Altar, with a longer side against the Eastern wall (as it continued to do in various places), and when, at a subsequent time, this became the very general custom, the only change was, that the north side became a shorter side. And this clearly explains the introduction, under Laud's auspices, into the Scotch Book of 1637, of the language: "Where the Presbyter, standing at *the north side or end thereof*." If the position was table-wise, the north part would be a side; if altar-wise, it would be an end. Ambiguity would be thus removed.

And the important, decisive testimony of Bishop Wren shows that the word *side* was deemed applicable to either the longer or shorter portions of an oblong structure. He says expressly, that until the Consecration Prayer, he did stand at the *north side*; and then, for reasons of conve-

* Annotated Prayer-Book.

nience, as stated, did go to the *west side*, and returned to the north side.* He abjures any imitation in this of the Romish Priests, who faced the Altar during the whole Mass.

The decision in the Purchase case, both of Sir Robert Phillimore in the Arches, and of the Judicial Committee, settled the north side to be that place of the Table, at which the Minister, standing, would face to the south. The error, as we deem it, in holding that the Minister is to read the Consecration Prayer at the same place, is afterward noticed. (Post § 28.)

The Rubric of 1789 changed the phrase from *north side* to *right side*. Bishop White adverts to the usual position of the Altar being at the eastern end of the church, and the north side being then the right side. He understands side to mean *end* strictly.

Our Rubric, then, becomes very definite. Churches vary in our country in their frontings. If the Table is at the east end of a church fronting west, the right side would be the north; if at the west end of one fronting east, it would be the south; if at the north, the west, and if at the south, the east. It seems impossible to doubt that the right side is the end of an oblong on its right.

This clause of our Rubric is found in the [5.] The People kneeling. Books of 1552, 1559, and 1662. The injunction, "the people still kneeling," is found in the next Rubric as to the Ten Commandments.

In 1832, pursuant to a request of the House of Deputies, the House of Bishops stated the postures which they thought should be observed by the people during the Communion Office.

Kneeling during the whole of the Ante Communion, except the Epistle, which is to be heard in the usual manner of hearing the Scriptures (*sitting*), and the Gospel, which is ordered to be heard standing. The Rubric, before reading the Gospel, is, "the people all standing up." This implies

* 1636. Parentalia, apud Robertson, p. 397.

a different posture, before, which custom has made to be sitting.

Dr. Bisse says : “ At the reading of the Gospels, all the Congregation stand up, as being the word of the Master ; whereas, at the reading of the Epistles, they are indulged in the posture of sitting, as being the words of the Servants. This reverence the Catholic Church throughout the East and West has always paid.”

The Bishops proceed : “ The Sentences at the Offertory are to be heard sitting, as the most favorable posture for handing Alms to the person collecting.” “ Kneeling to be observed during the prayer for the Church Militant. *Standing* during the Exhortations. *Kneeling* to be then resumed, and to be continued until after the Prayer of Consecration. *Standing* at the singing of the Hymn. *Kneeling* when receiving the elements, and during the post Communion, or that part of the Service which succeeds the receiving of the elements, except the Gloria in Excelsis, which is to be said or sung standing.” The House state also their opinion as to the posture of the Minister.

“ With regard to the officiating Priest, they are of opinion, that, as the Holy Communion is of a spiritually sacrificial character, the standing posture should be observed by him, wherever that of kneeling is not expressly prescribed, to wit, in all parts including the Ante-Communion and Post-Communion, except the Confession, and the Prayer immediately preceding the Prayer of Consecration.”

We shall endeavor hereafter to show that the Minister should kneel during his own reception.

§ 7. The Lord's Prayer. The Collect. These begin the Service in the First and in all the subsequent Books. The Collect is the same.

	1789.	1662.
§ 8. The Com- mandments.	Then shall the Minister, turning to the people, rehearse distinctly the Ten Commandments, and the people, still kneeling, shall, after every Command- ment, ask God's mercy for their transgres-	. . . . . . . . . . . . . . .

1789.

1662.

sions for the time past, and grace to keep *thereof*
the laws for the time to come, as followeth :

The Ten Commandments formed a part of the Office of the First Book. They were introduced in the Second, and have so continued.

§ 9. The Sum- 1789. Then the Minister may say, "Hear also
mary. what our Lord Jesus Christ saith."

This Summary of the Law and the Prophets was adopted in 1789, and is not found in any of the English Books. It was added, says Bishop White, to give to the weight of Moses the greater authority of our Saviour.*

§ 10. Collect. 1789. *Let us Pray.*

Then follows the Prayer for Direction and Sanctification. It was one of the Collects after the Offertory, directed to be said in the First Book, where there was no Communion. In the other Books, one of such Collects was to be said after Morning or Evening Prayer, Communion, or Litany, in the Minister's discretion.

§ 11. Collect of 1789. Then shall be said the Collect of the
the Day, Epistle, Day, and immediately after the Collect, the
Gospel. Minister shall read the Epistle, saying—

"The Epistle, or, the portion of Scripture appointed for the Epistle, is written, etc. And, the Epistle ended, he shall say, etc."

"Then shall be read the Gospel (the people all standing up) saying the Holy Gospel, etc."

The Book of 1662 directs, that after the Commandments, there shall follow one of two Collects for the Queen ; and then shall be said the Collect of the Day. The rest of the Rubric is precisely like our own.

In the Book of 1549, the order was, "The Priest, or he that is appointed, shall read the Epistle in a place assigned for that purpose, saying: 'The Epistle,' " etc. "The Minister shall then read the Epistle. Immediately after the Epistle ended, the Priest, or one appointed to read the Gos-

* Brownell's Family Prayer-Book.

pel, shall say, 'The Holy Gospel,' " etc. The Clerks and People shall answer, "Glory be to thee, O God!" The Priest or Deacon shall then read the Gospel.

The order in the Second Book was—"The Priest shall read the Epistle, and the Epistle ended, he shall say the Gospel, beginning thus." The Book of 1559 was the same.

The word Minister is used in our Rubric, and the custom, where a Priest and Deacon are present, is in conformity with the allowance in the First Book, for the Deacon to read the Epistle, and the Priest the Gospel.

In the Liturgy of St. John Chrysostom, the Epistle is read by a Reader (one of the minor Orders) and the Gospel by the Deacon. In the Use of Sarum, the Sub-Deacon reads the Epistle, and the Deacon the Gospel.

It is stated to be the custom, when two Priests are present, that the Epistler is to read from the South side, and the Gospeller from the North.*

With us, the place of the officiating Minister being on the right side, the place of the other must be opposite, on the left. It is the custom we believe for the aiding Priest to read the Gospel.

There is no warrant for the practice of the Minister, when alone, crossing to the other side when about to read the Epistle. His position is fixed except as expressly varied.†

1789.

1662.

§ 12. The Creed. Then shall be read the The Gospel ended, Apostles' or Nicene Creed, shall be said or sung unless one of them has been read the Creed following immediately before in the Morning (the Nicene). Service.

In the Book of 1549, it was—"After the Gospel ended, the Priest shall begin: I believe in one God." The Clerks shall sing the rest.

The Apostles' Creed is the only one used in the Morning or Evening Service of the English Church, except on certain Days, when that of St. Athanasius is read. The Nicene Creed is the only one allowed at the Communion.

* Wheatly, p. 208; Robertson, p. 193.

† Robertson, *ibid.*

In the Liturgy of St. John Chrysostom, the Nicene Creed is to be said. The Rubric is—*The people say*. By the Council of Toledo, this was to be recited by all the people of Spain before the Sacrament, to show that they were all free from heresy and in the strictest union with the Catholic Church.*

The Use of Sarum ordered the Nicene Creed to be said after the Epistle. The Scotch Office directs the Nicene only.
1789. 1662.

<p>§ 13. Notice of Holy Days.</p> <p>Then the Minister shall declare unto the people, what Holy Days or Fasting Days are in the week following to be observed; and (if occasion be) shall notice be given of the Communion, and of the Bans of Matrimony, and other matters, to be published.</p>	<p>Then the Curate shall declare unto the people what Holy Days or Fasting Days are in the week following to be observed. And then also (if occasion be) notice shall be given of the Communion, and Briefs, Citations and Excommunications read. And nothing shall be proclaimed or published in the Church during the time of Divine Service but by the Minister; nor by him anything but what is prescribed by the rules of this Book, or enjoined by the Queen or the Ordinary.</p>
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By the Book of 1552, this notice was to be given after the Sermon.

The reason for adopting this Rubric was, lest the people should observe such Days as had been kept before the Reformation, but were then laid aside. The statute 5 and 6 Edward VI., cap. 3, recited, "that the times appointed specially for God's worship are called Holy Days, not for the matter or nature of the time or day, nor for any of the Saints' sake whose memories are had on these days, but for the nature and condition of those godly and holy works, wherewith only God is to be honored, and the Congregation edified, whereunto such days are sanctified and hallowed, that is to say, separated from profane uses, and dedicated,

* Wheatly, p. 269.

not to any Saint or creature, but only unto God, and his true worship."

The Holy Days specified in the statute are set forth ante, chap. i., § 22.

The Canons of 1603 recognized the statute. The Table of Holy Days adopted by our own Church contains all those set forth in the statute, with the addition of the Conversion of St. Paul, St. Barnabas, and Easter Even: "The Table of Feasts to be observed in this Church throughout the year comprises all the Days specified in the Table of Holy Days, except Ash Wednesday, Monday, Tuesday, Wednesday, and Thursday, before Easter, Good Friday, and Easter Even. It specifies also all the Sundays in the year among the Feasts.

The Table of Feasts specifies Ash Wednesday and Good Friday, and then enumerates other days on which the Church expects a measure of abstinence.

Bishop Brownell notices that in our Table of Fasts, "the Forty Days of Lent" was originally "the Season of Lent." That Bishop White had caused it to be corrected. The latter phrase would comprise the Sundays, which were Feasts agreeably to the practice of the Christian Church in all ages.

1789.

1662.

§ 14. Sermon.
Offertory.

Then shall follow the	.	.	.	.	.
Sermon. After which,	.	.	.	or one of the Hom-	
the Minister, <i>when there is a Com-</i>				ilies already set forth, or	
<i>munion</i> , shall return to the Lord's				hereafter to be set forth,	
Table, and begin the Offertory,				by authority.	
saying one or more of these				Then shall the Priest	
sentences following, as he think-				return to the	.
eth most convenient.					.

In the Book of 1549 the Sermon followed the Creed; then there was an Exhortation; and then was the direction: "Then shall follow, for the Offertory, one or more of these Sentences of Holy Scripture, to be sung while the people do offer, or else one of them to be said by the Minister immediately after the offering."

“When there be Clerks, they shall sing one or more of the sentences above written according to the length or shortness of the time that the people be offering.”

We must notice the difference between our own and the English Books, that in the former are the words “when there is a Communion,” the Minister is to return to the Table. Nothing can be more convincing than the reasoning of Bishop Mant against the practice, even when there is no Communion, of pronouncing a prayer and the Benediction from the pulpit.* But the difference noticed may implicitly sanction the practice with us. Dr. Wilson, in his note on this passage, considers that, if there is a collection without a Communion the Minister should return after the sermon, and use the remaining part of the Office, viz., the Offertory and Prayer for the Church Militant; of course ending with the Benediction.

	1789.	1662.
§ 15. The Alms, etc.	While these sentences are in reading, the Deacons, Church- wardens, or other fit persons appointed for that purpose, shall receive the Alms for the poor, and other devotions of the people, in a decent basin, to be provided by the parish for that purpose, and reverently bring it to the Priest, who shall humbly present and place it upon the Holy Table.	. .

In 1549, the Rubric was: “In the meantime, while the Clerks do sing the Offertory, so many as are disposed shall offer unto the Poor Man’s box, every one according to his ability and charitable mind. And at the Offering Days appointed, every man and woman shall pay to the Curate the due and accustomed offerings.” In 1552 it was as follows: “Then shall the Church Wardens, or some other by them appointed, gather the Devotions of the people, and put the same into the Poor Man’s box. The clause as to the Offering Days was the same as in the Book of 1549. The Rubric in the Book of 1559 was the same as in that of 1552.

* On the Rubric, 80-81.

It was a very ancient custom of the Church, so old as to be noticed by Justin Martyr and St. Cyprian, that offerings should be made during Divine Service on Sundays and other Holy Days. The Sentences are part of the Offertory. In the Book of 1549 they are called the Offertory. They are the same in all the Books. The Scottish Rubric of 1637 was, "The Deacon (or, if no such be present, one of the Church Wardens) do receive the Devotions of the people there present, in a basin provided for that purpose. And when all have offered, he shall reverently bring the basin with the oblations therein to the Presbyter, who shall humbly present, it before the Lord, and set it upon the Holy Table." The same is the form in the Scotch Office of 1765.*

What is the meaning of the term "other devotions of the people?" Wheatly observes, that Devotions, as distinct from Alms, were not mentioned in the First Book. Alms for the poor were specified, as the order was to put them in the Poor Man's box. But for the Curate was the express provision that, upon the Offering Days, he should be paid the due and accustomed offerings. He argues that it is clear something else is intended, different from the Alms. The offerings for the Clergy, or their share in the collections, must be meant.

The regular Offering Days were Christmas, Easter, Whitsunday, and the Feast of the Dedication of the Parish Church. By an Act of Henry VIII., Midsummer and Michaelmas were substituted for the two latter days.†

The Rubric at the end of the Communion Office of 1602 strengthens Wheatly's views, while it furnished a definite rule of distribution. It was ordered, that, after Divine Service ended, the money given at the Offertory shall be disposed of to such pious and charitable uses as the Minister and Churchwardens shall see fit; wherein, if they disagree, it shall be disposed of as the Ordinary shall appoint. The Scotch Rubric of 1637 directed a division of that which was offered, in the presence of the Presbyter

* Bully's Variations, 153.

† Procter, 342, n.

and Wardens, one half to be for the use of the Presbyter to buy books, the other to be employed in some pious or charitable uses, for furnishing the church or the public relief of their poor.*

By the practice of the primitive church, offerings were not only in money, but in bread, wine, corn, etc. Afterwards, the offerings of the latter kind were limited to bread and wine and water. The offerings in money were divided into four parts, one for the relief of the Poor, the second for the Bishop, the third for the maintenance of the Church, and the fourth for the Clergy.†

There are traces of a practice by Laud, Andrews, and Cosin, of having separate basins or boxes, one for alms and another for offerings.‡

And a Rubric in the Book of 1549 directed the Minister to furnish the elements, but the parishioners were to offer every Sunday, at the time of the Offertory, the value of the Holy Loaf, with all such money and other things as were wont to be offered with the same.

Considering all these authorities and usages, it seems reasonably clear that the phrase "other devotions of the people" means those contributions which the people intended for pious purposes, other than the poor alms, but left the carrying out of their intention to the Minister and Wardens, as directed in the Rubric.

Our own Book has no Rubric as to the disposition of the contributions. A canon of the General Convention leaves the disposition for pious and charitable uses to the Minister exclusively. (Tit. 1, Canon 12, § 111.) The expense of the bread and wine is frequently paid out of them, which corresponds with the practice of the early Church.

Yet the term devotions is applicable to all the collections in the church for special purposes of a religious character; indeed, to all *deposita pietatis* specifically dedicated, and not given generally.

* Bully, p. 71. † Maskell's Anc. Lit., p. 53, n. ‡ Robertson, p. 177.

1789.

1662.

§ 16. [1.] Placing
the Elements.

And the Priest shall then place upon the Table so much bread and wine, as he shall think sufficient. After which *he* shall say :

Let us pray for the whole state of Christ's Church Militant.*

In the Book of 1549, it was as follows: "Then shall the Minister take so much bread and wine as shall suffice for the persons appointed to receive the Holy Communion, laying the bread upon the Corporas, or else in the Paten, or in some other comely thing prepared for that purpose; and putting the wine into the chalice, or else in some fair and convenient cup prepared for that use, if the chalice will not serve, putting thereto a little clean and pure water, and setting both the bread and wine upon the Altar."

Then the Priest shall say—

This Rubric was omitted in the Book of 1552, and that of 1559. The Scottish Direction, 1637, is similar to that of 1662.

The Order is explicit, that the Minister himself place the elements upon the Table at this part of the Office. It appears, however, that between 1552 and 1662 a custom prevailed of having them so placed before the Service began, as we see so frequently at the present day. Yet Andrews, Laud, and others, used, during this period, a Credence Table, as it is termed, a small side-table, holding the elements, and generally placed south of the Altar. Bishop Bull always placed them upon the Altar himself, receiving them from the Churchwarden or Clerk, or took them from some convenient place, where they had been laid for that purpose.*

When we recollect, that the Second Book did, in fact, adopt the First Book, with the variations made, the argu-

* Robertson, *How to Conform*, p. 182.

ment is strong, that the Rubric was not repealed, and that the practice of Laud and others was perfectly lawful. The Commentators very generally condemn, as a breach of the Rubric, the usage of having the elements placed upon the Table before the service, or by any one except the Minister. The use of a side-table is shown to have been the practice of the Ancient Church. (Wheatly, p. 277, Robertson, 182, Archdeacon Sharp, 74.) Nicolls says: "The Rubric contains a positive injunction, capable of being complied with."

The Bishop of London, in the Knightsbridge case,* says: "I think a Credence Table, or something equivalent to it, is of itself unobjectionable. The elements should be somewhere at hand. To place them on the Table before the commencement of Divine Service is contrary to the Rubric. I myself prefer a projecting shelf in the wall of the Chancel, or a recess, as is the case in some churches."

And, in *Liddell vs. Westerton*, it was decided by the Judicial Committee that a Credence Table was lawful. The Court cite the Rubric, and say: "The elements are not to be placed on the Table till this point of the Service. They should be kept somewhere decently, and conveniently to be transferred. A small table near the altar was convenient, consistent with the Rubric, and unobjectionable."

It is plain disobedience of the direction to allow the elements to be on the Table until this point of the office; and it seems narrow and unreasonable to censure the use of a small table to hold them until the transfer.

[2.] Posture. The resolution of the House of Bishops in 1832 prescribed standing for the Minister, and kneeling for the people, during the prayer for the Church Militant. Such is the English custom. (Bennet.)

[3.] The Prayer. In the Book of 1549, the prayer for the Church Militant preceded, indeed formed part of, the Consecration Prayer. Our own Prayer contains nothing which is not in the Prayer in that Book (a change in the

* Pinnock's Laws and Usages, p. 784.

supplication for Rulers being made), except the last sentence, "and we also bless thy Holy Name," etc., which is taken from the Book of 1662.

But the First Book contained in this Prayer much which we have omitted. Thus : "We give Thee most high praise and hearty thanks for the wonderful grace and virtue declared in all thy Saints from the beginning of the world ; and chiefly in the most blessed and glorious Virgin Mary, Mother of thy Son Jesus Christ, our Lord and God, and the Holy Patriarchs, Prophets, Apostles, and Martyrs, whose examples (O Lord) and steadfastness in Thy faith, and in keeping Thy Holy Commandments, grant us to follow. We commend to Thy mercy, O Lord, all other Thy servants which are departed hence from us with the sign of faith, and now do rest in the sleep of peace. Grant unto them, we beseech Thee, Thy mercy and everlasting peace, that at the day of the general resurrection, we, and all they which be of the mystical body of Thy Son, may altogether be set on His right hand, and hear that His most joyful voice, 'Come unto me,' " etc.

Some expressions in this beautiful supplication were considered as hovering upon the doctrine of Purgatory. The Scotch form omitted the words, "grant unto them Thy mercy and everlasting peace," and made a few changes in language. The whole passage was omitted in 1552, when the prayer closed with the words, "all others in adversity." The concluding passage of the present prayer was adopted in 1662. The clause above quoted, and another similar one, formed the ground on which Bucer made his objections.*

In Tract No. 71 will be found Archbishop Usher's elaborate argument against Purgatory, and a statement of the wide distinction between the Prayers for the Dead sanctioned by the English Formularies and that deception of Rome. It may be thus stated :

That such offices were commemorations of the goodly

* See Bully's Variations, App. 162, and Coll. Ecc. His., Part II., Book IV.

lives and holy deaths of the dead in the Lord; of thanksgiving for their deliverance out of the world, and of prayer that the living might profit by their good examples. They assume that such of the dead were in a place of peace and felicity, and besought God that he would keep them in such a state, and would bring them at the resurrection to one of a higher blessedness.

The Liturgy of St. John Chrysostom exhibits the meaning of such prayers with much exactness: "Furthermore, we offer this our seasonable service for those who are departed hence in the faith, Forefathers, Fathers, Patriarchs, etc., and for every righteous spirit made perfect by faith; especially the altogether holy Virgin Mary, for St. John the Prophet, Forerunner and Baptist, for the holy Apostles, for the Saint (N.) whom we commemorate, and all other thy Saints, *for the sake of whose prayers*, O God! look upon us, and remember those who are departed this life in the hope of the resurrection of eternal life, and give them rest where the light of thy countenance shineth."

We suppose that the most rigorous Protestant could find nothing to object to here, unless it be that the clause italicised favors the idea of the efficacy of the prayers of Saints.

[4.] Alms and Oblations.

The word "Oblations," as used in this prayer, is first interpreted as including the elements after they are placed upon the Table, although comprehending other things; again, as referring exclusively to the elements; and lastly (though I believe by few), as synonymous with alms.

The Scottish Rubric of 1637, before cited, shows the use of the terms "devotions of the people" and "oblations," applied to the offerings, and, coupled with the Rubric in the same book, as to the division of what was *offered*, warrants us in holding that each term may, in theological language, be used for money contributions.

But, certainly, in the *Prayer* there is a distinction taken. Hence, in the language of Johnson, "I see no reason

to doubt, but that, as the bread and wine are ordered to be placed on the Table just before the prayer for the whole state of Christ's Church, so these words 'accept our oblations' are to be referred to the bread and wine just before placed on the Table." *

"In the primitive Church the Offertory was a considerable part in the administration and receiving the Sacrament, and was for a double end; the one in relation to the Sacrament in the offering of bread and wine, the other for the use of the poor." † And Bishop Patrick uses this clear language: "We humbly beseech God to accept not only our alms but also our oblations." These are things distinct, and the former, alms, signifying that which was given for the relief of the poor; the latter, *oblations*, can signify nothing else but (according to the style of the ancient Church) the bread and wine presented unto God. ‡

The authorities, however, do also clearly prove that the ecclesiastical sense of the term covers money applied to various pious uses, besides the support of the poor. (Stephens' note to the Book of Common Prayer, Vol. I., p. 1175. Robertson, *How to Conform*, App. iv., p. 394.) The Scottish Rubric, before cited, shows this with marked precision.

That able writer, Mr. Palmer, remarks, after quoting the first passage of the Prayer: "These three species of Sacrifice or Oblation are offered, *first*, the Alms, which St. Paul describes as a sacrifice well pleasing to God; *secondly*, the Oblations, viz., the creatures of bread and wine; *thirdly*, the Prayers, which, according to St. John, are offered with incense on the Heavenly Altar, and which the Fathers speak of as an Oblation."

We conclude that the true construction is, that while the term Oblation may have a more extensive meaning, it does, in this place, designate the Bread and Wine placed upon the Table, and offered to God with the Alms and Prayers.

* Propitiatory Oblation. † Duppa, *apud Bully's Variations*, p. 169.

‡ Christian Sacrifice, 77; *apud Hook's Dict.*, 541.

The supplication is in harmony with the custom of ancient Fathers, who offered the elements upon the Altar with ejaculations like this: "Lord! we offer Thine own out of what Thou hast bountifully given us." It seems inconceivable that any one should have deemed this as approaching the Romish idea of a real sacrifice of Christ himself. Meade's Christian Sacrifice is a refutation of this notion.*

1789.

1662.

§ 17. The Exhortation.	At the time of the Celebration of the Holy Communion, the Priest shall say this Exhortation.	At the time of the Celebration of the Communion, <i>the communicants being conveniently placed</i> for the receiving of the <i>Holy Sacrament</i> , the Priest shall say this Exhortation.
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The Exhortations all belong to the period of the Reformation. The second is attributed to Peter Martyr, both to promote frequent communion, and that all present should participate. The first is taken substantially from Hermann's Consultations.

In the ancient Greek Church, when all were placed in order to receive the Sacrament, the Priest, standing on the steps to be seen of all, stretched out his hand, inviting the worthy, and warning the unworthy to forbear.

The clause in the Rubric of 1662, italicised, refers to an old custom still retained in some country Churches, of the communicants kneeling in rows, one behind another, and thus remaining until the Minister comes to them. Wheatly† also notices that the invitation in the words "draw near with faith," intimates that it would be proper that the Communicants should then come from the more remote parts of the Church as near to the Lord's Table as they can.

This practice, I have been informed, prevailed in the Church at Leeds.

The House of Bishops considered standing during the Exhortation to be the proper attitude of the people.

This Exhortation has nothing in it which was not in the

* See p. 477.

† Wheatly, p. 287.

First Book, and in nearly the same language. But the omission in our Book of some passages is marked.

After the words, "if, etc. we receive that Holy Sacrament" were the words, "for then we spiritually eat the flesh of Christ, and drink his blood; then we dwell in Christ, and Christ in us; we be made one with Christ, and Christ with us."

So after the words, "if we receive the same unworthily," followed, "for then we become guilty of the body and blood of Christ our Saviour; we eat and drink our own condemnation, not considering the Lord's body. We kindle God's wrath against us. We provoke him to plague us with divers diseases and sundry kinds of death."

Again: instead of "He has instituted and ordained holy mysteries as pledges," etc., we have, "He has left in these holy mysteries, as a pledge of his love, and a continual remembrance of the same, his own blessed body and precious blood for us to feed upon spiritually to our own endless comfort." These words were omitted in 1552.

1789.

1662.

§ 18. The Invitation.	Then shall the Priest say to those
	who come to receive the Holy Com-
	munion: "Ye who do truly," etc.

As before observed, the words in the Invitation, "draw near," appear to indicate this to be the time for the Communicants to approach the Table, and at the Confession to place themselves at the Chancel rails. This, observes Shepherd, can only be done by a small part of the Communicants, unless the number is inconsiderable.

It appears to have been the custom in the time of Bishop Cosin for the people to approach the Altar upon the above words being said.* The Puritans contended for the practice of continuing in their seats, and that the Minister bring the Elements to them. Our own Rubric justifies the course, at least is not repugnant to it, of the Communicants going from their seats to the rails in any convenient mode. One of our Bishops introduced the habit of those seated

* Cosin, iv., 359; Sparrow's Rationale, 211.

nearest the Chancel going up first, and so in successive order, only enough standing within it to fill up the places of those retiring.

The people hear this Invitation kneeling. The Rubric in the Book of 1549 was: "Here the Priest shall turn him towards those who come to the Holy Communion, and shall say: Ye who," etc. The prayer is identical in all things, except that "meekly kneeling upon your knees," is the language.

1789.

1662.

§ 19. The Con-
fession.

Then shall the General Confession be made by the Priest, and all those who are minded to receive the Holy Communion humbly kneeling.

Then shall this General Confession be made in the name of all those who are minded to receive the Holy Communion, *by one of the Ministers*, both he and all the people kneeling humbly upon their knees.

In all the previous Books, 1549, 1552, 1559, the Rubric was: "Then shall the General Confession be made in the name of all those who are minded to receive the Holy Communion, *either by one of them*, or else by one of the Ministers, or by the Priest himself, all kneeling humbly upon their knees."

In the Scottish Office of 1637, it was to be said by the Presbyter or Deacon. An exception was taken by the Presbyterian brethren in 1661 against one of the Communicants saying this Confession. They desired that it might be made by the Minister only. It was a private opinion, and not generally received in the Catholic Church, that one of the people might make the Confession at the Sacrament in the name of all.*

This Confession was prepared in 1548 from a long Form in Hermann's Consultations,† which is found in Bully's Variations, p. 174.

The language has been the same from the Book of 1549 throughout.

* Bully, 173.

† Procter, 345.

1789.

1662.

§ 20. The Absolution.

Then shall the Priest (the
 Bishop, if he be present)
 stand up, and turning to the people, pronounce this Absolution.
 say, "Almighty God," etc. . . .

Shepherd states, that "this Absolution occurs in the Penitentiary of Egbert, Archbishop of York, about the year 730, and is said to have been composed by Pope Pontian or Damasus. Though it is the form generally found in the ancient Missals both of the Roman and other Churches, I do not know that it hath been so scrupulously retained in any modern Liturgy as in that of our Church."

In the Penitential Canons of 963, the following Form appears: "Let thy mercy, O Lord, prevent this thy Servant, that all his iniquities may be blotted out by a speedy indulgence, through Jesus Christ our Lord."*

Johnson sets forth in a note another form which he thinks is of the age of Edgar, 960: "The Almighty God, who created the heaven and the earth, and every creature, have mercy upon thee, and grant thee forgiveness of all thy sins which thou hast committed from thy being made a Christian to this time, through Jesus Christ our Lord."

In the Order of the Communion of 1548, the Form was: "Our Blessed Lord, who hath left power to his Church to absolve penitent sinners from their sins, to restore to the grace of the Heavenly Father such as truly believe in Christ, have mercy upon you, pardon and deliver you from all sins, confirm and strengthen you in all goodness, and bring you to everlasting life."

The form in Hermann's Consultations was: "Because our Blessed Lord left this power to his Church to absolve those from their sins, and restore to the favor of the Heavenly Father, whoever, repenting of their sins, truly believe in the Lord Christ, I, a Minister of Christ and the Church, to all who grieve for their sins, etc., announce the remission of their sins, the favour of God, and eternal life, through our Lord Jesus Christ."

* Johnson, i., p. 427.

The Absolution in the Visitation of the Sick, of 1662, closely resembles this.

But when the Communion Office was fully set forth in 1549, as part of the First Book, the present form of the Absolution was adopted. The Rubric was the same as our own. It continued the same in the Second Book and in that of Elizabeth. In the reign of Charles II., the alteration was made by using the words, "pronounce this Absolution."

The form in the Use of Sarum, "Almighty God, have pity upon you, remit to you all your sins, guard you from all evil, preserve and confirm you in all goodness, and bring you to everlasting life."

§ 21. The Comfortable Words.

Then the Priest shall say: "Hear what comfortable words," etc.

The English Books have the passages from Scripture next after the Absolution. They are the same in all. Their source is Hermann's Consultations. The two passages (St. John, iii. 35, and part of verse 36; and Acts, x. 43) were not in his Form. The object in inserting these passages was obviously to confirm the view of Absolution there declared by the words of Scripture.*

§ 22. Sursum Corda.

After which the Priest shall proceed, saying: "Lift up your hearts," etc.

This and what follows to the next Rubric is taken from the Use of Sarum. In the First Book, the Versicles preceded the Prayer for the Church Militant. The Prayer of Access followed the Comfortable Words. In 1552, the present Order was adopted.

In the Liturgy of St. John Chrysostom, the *Priest* says: "The Grace of our Lord," etc. And the *Choir* answers: "And with thy Spirit." *Priest*: "Let us lift up our hearts." *Choir*: "We lift them up to the Lord." *Priest*: "Let us give thanks to the Lord." *Choir*: "It is right and just to worship Father, Son, and Holy Ghost."

§ 23. It is meet, etc.

Then shall the Priest turn to the Lord's Table, and say: "It is very meet, right," etc.

* Prayer-Book Interleaved, p. 171.

All down to the Prayer of Access is found in the Sarum Use. A portion in that Use is omitted, viz., "Through whom Angels praise thy Majesty, Dominions adore, and Powers tremble."

It was put in its present position in 1552. The Marginal reading, "that the words Holy Father be omitted on Trinity Sunday," was added in 1662.

In the Liturgy of St. John Chrysostom, the Priest says : "It is right and just to praise thee, to bless thee, to give thanks to thee in every place of thy dominion." A long thanksgiving followed. At its end, the Choir answered : "Holy, Holy, Holy, Lord of Hosts ! Heaven and earth are full of thy glory ! Hosanna in the highest ! Blessed is he that cometh in the name of the Lord. Hosanna in the highest !"

§ 24. *Te Igitur.* "Therefore, with Angels and Archangels," etc.

This is taken from the Sarum Use, with some alterations and omissions. The principle of unity in adoration is preserved ; *sociæ exultatione concelebrant*. The leading thought in joining in the "Therefore, with Angels and Archangels," etc., is not merely that there is a community and oneness of worship between heaven and earth (the Jewish Forms would testify to that), but that all this worship is gathered into Christ, the Incarnate Word, and is offered to him." *

§ 25. *Ter Sanctus.* The *Ter Sanctus* has been in use from very early times.

The hymn is commonly ascribed to Proclus, A.D. 434, but more probably it was taken from the commencement of the Eastern Offices—"Holy God, Holy and Almighty, Holy and Immortal !" and that this originated in one of the eighteen Prayers of the Synagogue : "Thou art holy—Thy name is holy, for a great King and holy art thou, O God." †

In St. John Chrysostom's Liturgy, that which is called the Triumphal Hymn closely resembles the concluding pas-

* Freeman's Divine Prin., ii., P. 2, 440.

† Freeman, i., p. 65.

sage of our own—*Choir*: “Holy, Holy, Holy, Lord of Sabaoth! Heaven and earth are full of thy glory! Hosanna in the highest! Blessed is he that cometh in the name of the Lord. Hosanna in the highest!”

The Trisagion has two parts,—the recital of the Union with Angels and the Company of Heaven in the Ascription, and the Ascription itself. Wheatly quotes St. Chrysostom as saying, that it was generally received that Angels were especially present at the Lord’s Supper.*

In the Book of 1549, the division was distinctly marked. The first clause was to be said, and the Clerks were to sing the second, beginning “Holy,” etc. In the Second Book, the direction as to the Clerk’s singing was omitted. In 1662, the two paragraphs were comprised into one, as in our own Book, and the Rubric was, “After each of which Prefaces shall immediately be said or sung.”

Our own Rubric, as before stated, is, “shall be said or sung by the Priest and People.”

This answers the argument of Sir William Palmer, and Dr. Jebb, that the Choir or Congregation ought not to join in the Hymn until the words Holy, Holy, etc. ~~He~~ *Mr. Roberts* argues that the people should unite from the beginning under the English directions. He notices that Sparrow, in his *Rationale*, considers the Thrice Holy and Triumphal Song to commence with the words, “Therefore,” etc.

Then shall follow the proper Prefaces, according to the time, if there be any especially appointed, or else immediately shall be said or sung by Priest and People—“Therefore, with Angels,” etc.

The Rubrics in the other Books are substantially the same, the words being, “or else shall immediately follow.” In the First Book, this was placed before the Prayer for the Church Militant.

These Prefaces, five in number, were the same in all the Books. In 1552, the direction was, that the Preface to be used on a particular day should be used for seven days

after, except that for Trinity Sunday, when it was for that the Feast of Trinity only, and Whitsunday was for that day and six days after.*

These five Prefaces are retained out of ten found in the Romish and old English Missals. Those retained relate to the Persons of the ever-blessed Trinity. Those omitted were for Low Sunday, for the Cross, for the Apostles, for the Lent Fasts, and for the Virgin Mary. Another is mentioned as for the Apparition of our Lord.† Wheatly asks if this is the Transfiguration. Perhaps it is Easter, which would clear an obscurity. Six Prefaces appear to be omitted.

Mr. Procter states that the Preface for Christmas and that for Whitsunday were composed in 1549. That for Easter and for Trinity Sunday were as old as the Sacramentary of Gelasius; that for the Ascension was probably framed by Gregory the Great.‡

Johnson observes that, in the Decretal of Pope Pelagius, there were but nine Prefaces mentioned; that for the Blessed Virgin is there omitted. This, the tenth, was added under Pope Urban II., at the Council of Placentia, A.D. 1095.§

1789.

1662.

§ 27. Prayer of	Then shall the Priest, kneeling	.	.	.
Access.	down at the Lord's Table, say, in	.	.	.
	the name of all those who shall receive the	.	.	.
	Communion, the Prayer following :	.	.	.
	"We do not presume to come," etc.	.	.	.

This Rubric and the Prayers are found in the Order of 1548, and are identically the same in all the Books from 1549, except, in that of 1552 the phrase was "God's Board," instead of "the Lord's Table."

In the Savoy Conference, it was desired that the words might be altered so as to read, "that our sinful souls and

* Robertson, p. 199.

† See Johnson, *Eccl. Laws*, 1175, 14.

‡ Procter, *Book of Common Prayer*, 346-7.

§ *Eccl. Laws*, ii., p. 63, n.

bodies may be cleansed through his precious *body and blood*," because the words, as they stood, appeared to give a greater efficacy to the blood than to the body of Christ. The Bishops answered: "It can no more be said, those words do give more efficacy to the blood than to the body of Christ, than when our Lord said, 'This is my blood, which is shed for you,' etc., and saith not so explicitly of the body." *

The Prayer is in the very words of that in the Book of 1549, except that to the words "drink his blood," were added the words, "in these holy mysteries," and the word "continually" was used instead of the word "evermore."

Mr. Freeman says, "It should be observed, that the Prayer of Access, which has been so often commented upon as out of place, is in reality only the expansion of the opening words of a prayer in the old Office.

The *Te igitur supplices rogamus et petimus* strikes in exactly where "we do not presume," etc., is found now, viz., after the Ter Sanctus; and doubtless suggested both the position and the humble tone of it. The turn given to this intercalated prayer in our Revised Rite, making it a prayer for profitable reception, finds an exact parallel, and in the same position, in the Spanish Office: "Be present, O Jesus! sanctify this oblation, that we may receive the sanctified things by the hand of thy holy Angel." †

There is a translation of the passage noticed above, *supplices te rogamus*, etc., in the Tracts for the Times, No. 63, which has considerable resemblance to this prayer. But a closer conformity is found in the Liturgy of St. Basil, traced with seeming accuracy to the Fourth century: "Therefore, all holy Lord, do we, thy sinful servants, not for our righteousness, for we have done no good thing upon earth, but for thy mercies and compassions, approach thy holy Altar. Do thou, O God, cleanse us from all pollution of the flesh and spirit, in order that, receiving, in a pure testimony

* Bully's Variations.

† Principles, ii., p. 434.

of our conscience, our portion of these hallowed gifts, we may be united to the holy body and blood of thy Christ, and having worthily received them, we may obtain the indwelling of Christ in our hearts, and become temples of the Holy Ghost." *

1789.

1662.

§ 28. Ordering
the Elements for
Consecration.

When the Priest, standing be-	.	.	.
fore the Table, hath so ordered	.	.	.
the Bread and Wine, that he may,	.	.	.
with the more readiness and decency, break	.	.	.
the Bread before the people, and take the Cup	.	.	.
into his hands, he shall say the Prayer of	.	.	.
Consecration, as followeth :	.	.	.

The place of the Priest, under the Book of 1549, was, at the commencement of the Office, "afore the midst of the Altar," and the ensuing directions comprised: "turning to the people," "turning to God's Board," "turning still to the Altar," "turning to these who come to the Communion." And, it may be, that a change from the centre of the Altar to some other part of the front, was warranted.

Then the change was made in 1552, "and the Priest, standing at the North side of the Table, shall sing." And this has been the direction in the subsequent Books.

We have before shown (Ante, § 6 [4]) that it is definitely settled in England, and that this is supported by unanswerable reasoning, that the position of the Minister, at the commencement of the Ante-Communion Office, is at the *North*, with us *right*, side of the Table, the word "side" indicating the longer or shorter portions of an oblong; in the generality of cases, the north *end*. After Sermon, when there is a Communion, this position is resumed, and so continues (*turning to the people* and *turning to the Table* as directed) until the present Rubric.

It is admitted by all that a change of position is here directed. And this change is clearly from the end on the

* Prayer-Book Interleaved.

North (or *right*) end, to the front. The question is, to what extent, and for what purposes, is this change of position to be retained. Wheatly and others contend, that it is only while and when it was necessary or convenient for ordering the Elements. When that was done, the Priest was to return to the North end.

We shall be greatly aided in this inquiry by Posture during Consecration. examining the directions in the Book of 1549.

The normal position of the Priest was "standing afore the middle of the Altar." Afterwards was the Rubric: "Then the Priest, standing at God's Board, shall begin, Glory be to God," etc. Next: "Then the Priest shall turn him to the People, and say."

This position, we assume, was continued during the reading of the Epistle and Gospel. The Epistle was to be read in a place assigned for that purpose.

After the Offertory, the Minister was to take so much Bread and Wine as shall suffice for those who are to communicate, laying the bread on the Corporal or else in the Paten, and putting the wine into the Chalice, etc., *mixing the wine with a little pure water, and setting both the bread and wine on the Altar, shall say*: "The Lord be with you," etc.

These Acts pre-suppose the Priest to be fronting the Altar, and this is fully proven by the Rubric next after the Prefaces and the *Te Igitur*: "When the Clerks have done singing, then shall the Priest *turn him to the People*, and say: Let us pray for the whole State," etc.

And then, "The Priest, turning him to the Altar, shall say: Almighty and everliving God," etc. Then follows the Prayer for the Church Militant, and, immediately after, the Consecration and Oblation. After this, and the Lord's Prayer, etc., is the direction: "*Here the Priest shall turn him towards those who come to the Holy Communion*, and shall say: Ye who do truly," etc.

A Rubric at the end of the Office ordered, that the Bread be unleavened and round, and somewhat larger than it (*then*) was, so that it might be divided into divers pieces, and every

one shall be divided into two pieces at least, or more, by the discretion of the Minister, and so distributed."

The marginal directions in the Consecration Prayer are, for the Priest to take the Bread into his hands, and so as to the Cup, but there is no order for breaking the Bread during the Consecration.

Thus we have some points clearly settled. The removal of the Bread and Wine to the Altar was to be done by the Priest in presence of those who were to commune. The Bread was to be broken in divers pieces by the Priest. The place where this was to be done is not designated, nor the place where the Elements were to be before being placed upon the Altar; but it is almost certain that it was within the Chancel near the Altar. Mr. Perry's supposition, that it was the ledge or structure in a niche in the Chancel wall, is probably correct; and we may well conclude that the breaking took place there. That the position of the Priest, during the Consecration and Oblation, was in front of and facing the Altar, seems indisputable.

The changes and omissions of 1552 and 1559 are substantially consistent with these directions of 1549. When the Priest had finished the Prayer, "We do not presume," etc., he was to stand up and say as follows: "Almighty God." And, as the language of 1549 was altered from "afore the midst of the Altar," to "standing at God's Board," the Minister could place himself at any part of the front most convenient. This, we contend, was permissible under these Books of 1552 and 1559. We repeat the argument, that the First Book governed, except when expressly, or by plain implication, varied.

But as these directions were not expressly retained or renewed, we can understand that they would be sometimes neglected by those who disliked them. A law by inference, however logical, is not so decisive as a law in terms. Hence we find, that the old niche in Parish Churches for holding the Elements was walled up, and the practice of placing them upon the Table, before the Service, arose.*

* Perry's *Lawful Ornaments*, 109; Maskell, *Ancient Engl. Lit.*, p. 96.

Credence Tables, probably substitutes for the structure in the niche, came into use before 1662. Archbishop Laud says, that they were used by Andrews, and other Bishops had used them during all their time.* This Table was placed on the South side in the Chapel of Andrews.

It deserves notice, also, that the Scottish Liturgy of 1637 directed the Priest, at the Consecration, to stand at such part of the Table where he could, with most ease and decency, use his hands. The marginal directions were, to take the Paten and Chalice in the hands, but there was none as to breaking the Bread.† The Rubric, then, of 1662 had for its object the renewal of the direction of 1549, as to the Priest's transferring the Elements to the Table during the Service—the sanctioning of a Credence, as a fitting place for them previously—the renewal of the order to break the Bread, but making it explicit that it be done openly, as a part of the Service.

The Rubric of 1549 thus explains that of 1662. There was to be a fraction of the Bread instead of the Azymes of the Roman Mass; that fraction was to be during the Service, openly, in presence of the people.

The Judicial Committee in the *Machonochie* case held that the direction to stand before the Table applied to the whole sentence; and this decision was, we believe, universally treated as sanctioning the Minister's remaining in front during the whole prayer. And so eminent a judge as the Dean of Arches, when the *Purchas* case was before him, treated the point as settled by the *Machonochie* judgment. He held that the Rubric did not require that the people should see the breaking of the Bread; and if it did, that, upon the evidence, all could see the Minister take the Cup, and some the breaking of the Bread. He decided that Mr. *Purchas* was warranted in continuing the position.

The Judicial Committee reversed this decision, and condemned Mr. *Purchas*. The ground, in brief, is this: The

* Hook's Dict., *in verbo*.

† Keeting, 214

previous determination (the Machonochie case) settled the posture only, viz., standing, and not the position. The original position ordered was, the North side; that is, the side tending towards the North. The subsequent Rubric at the Consecration Prayer freed the Minister, for the moment, from the general direction to stand at such North side, but only for the special purpose of ordering the Elements. That breaking the Bread before the people meant that the people should be able to see the act.

The opinion, we see, distinctly admits that standing before the Table may mean facing its front with the back to the people; although only for the special purpose of ordering. But the change of position from the North end to the front being not merely allowed but directed a general rule comes into influence, viz., that a position once ordered is to continue, unless expressly, or by a fair inference, it is varied.

As there is no express direction, the question becomes this,—whether the change is by a just inference prescribed? And this depends upon the meaning to be given to the last clause, or rather the words in it, that *he may break the Bread before the people*. One construction, as before noticed, is, that the people are to see the act, and cannot see it, if the Minister has his back to them. It might be answered that probably there is not any Church where all the people could see the act if the Minister was at the North end, and few, where some could not see it if he stood in front of the centre. But this is not prescribed. The position at any part of the front is allowable. The Book of 1549 directed the place to be “afore the middle of the Altar.” The Book of 1552 had no Rubric at the Consecration Prayer. And then the Book of 1662 restored, in part certainly, the Rubric of 1549, omitting the word “middle.”

But independently of this view, there are, both in ordinary language and ecclesiastical documents, other meanings in which the phrase is used, and which may be applicable.

Thus the word *before* means something in advance or *front of*, not behind; and again, in *presence of*. Johnson

quotes a passage from Milton of the former kind, and from Dryden, of the latter.

In the English Office for Matrimony occurs the following: "The man and the woman, kneeling *before* the Lord's Table, the Priest standing at the Table, and turning his face towards them." In the Burial Office, a Rubric is, "the Minister, meeting the corpse, and going *before* it into the Church," etc. In Bishop Wren's Articles we have, "That the Holy Oblations be received by the Minister, standing *before* the Table, at their coming up to make the said oblations."

And Bishop Montagu asks, "or doth he (as he ought to do) go up into the Chancel, the woman repairing thither, and kneeling *before the Communion Table*, at the steps or rails?"

We see from these examples that *before the Table* means in front of, and may mean facing it, or the reverse. And so, *before the people* may well mean *in front* of them, and is capable of meaning facing them, as well as facing the Table. But the latter is clearly the most natural, as that is clearly directed for the ordering of the Elements.

The point has been thus thoroughly stated by Mr. Beresford Hope: "The Prelates and Judges who sat on the Committee must be well aware that the practice of the Priest, standing during the Prayer of Consecration in front of the Holy Table, is no part of that series of Ceremonies which has come into such prominence, and created so much disturbance of late years, under the ill-chosen appellation of Ritualism. It is a practice which can be shown to have existed all through the Reformed Church of England. Those who adhere to it act from the conviction, fortified by study, that the position of the Priest in front of the Holy Table is the natural interpretation of the Rubric, continually witnessed in the Reformed Church of England, and, as they believe, recognized by the Privy Council in *Machonochie*." *Case*, (*Church Herald*, March 11, 1871.)

We submit, that the direction to return from the front to the end is not, by any just reasoning, made out; that the

best construction warrants the continuance of the position through the Consecration Prayer, and if that is so in England, then also through the Oblation and Invocation of our own Office ; and we submit, that to treat this act as the result or a symbol of Romish corruption, is narrow bigotry, or great misapprehension. Our custom has, as we are informed, varied much ; but three Bishops, and many Divines, trained in the best schools of the Reformation, retain the position throughout.

The kneeling or genuflection at any time during the Consecration was condemned as unlawful in the Machonochie case. The subject is discussed, post chapter iii., § 4.

§ 29. The *Consecration Prayer, Oblation, and Invocation.*

We have before noticed that in the Book of 1549, the prayer for the Church Militant immediately preceded the Consecration Prayer. The following Table shows the correspondence and difference between the rest of this part of the Office and our own :

1789.

1549.

[1] All glory be to the Almighty God, our Heavenly Father, for that thou of thy tender mercy . . . oblation (*of himself*) once offered . . . coming again.

[1] Oh God, Heavenly Father, which of thy tender mercy . . . oblation once offered . . . coming again . . .

[2] *Wherefore*, O Lord, . . . the same.

[2] *Wherefore*, O Lord, . . . the same.

[3] And we most humbly beseech thee, O Merciful Father, to hear us, and of thy Almighty Goodness vouchsafe to bless . . . that we, receiving them, etc., may be partakers of his most blessed Body and Blood.

[3] *Hear us, Merciful Father, we beseech thee, and with thy Holy Spirit and Word, vouchsafe to bless and sanctify these thy gifts and creatures of bread and wine, that they may be unto us the Body and Blood of thy most dearly-beloved Son, Jesus Christ—* who in the night . . .

1789.

1549.

for in the night . . . given . . . *blessed and* . . .
thanks of me.

. . . remembrance of me.

[4] *And* we earnestly [4] Entirely desiring
desire thy Fatherly Good- thy . . .
ness . . of *his passion* . . . his *passion* . .

[5] *And here we offer* . [5] *And here we offer* . . .
. . . . and they in Him. . . . and they in Him.

[6] And although . . . [6] And although
. . . . duty and service; and service,
and command these our prayers
and supplications, by the ministry
of thy Holy Angels, to be brought
up into thy Holy Tabernacle before
the sight of thy Divine Majesty, not

not weighing our . . . weighing our
without end without end.

The Consecration Prayer closing with the words, "remembrance of me," was followed by the reception, in the Books of 1552, 1559, and 1662. In that of 1549, as the preceding Table shows, the Consecration Prayer began like our own. It was, however, considerably enlarged. The Prayer for the Church Militant is, almost word for word, exactly like our own, down to and including the words, "any other adversity." There are changes as to Rulers, and the words, "to accept our Alms and Oblations," are not in it. The important passages found in that Prayer, and omitted in our own, are stated, Ante, § 16 [3].

The changes in the Consecration part appear in the Table. The Oblation is precisely the same, except the word *willed* is used instead of *commanded*. The Invocation contains all that is found in our own Book, with unimportant variations, and some differences of collocation.

Bishop Cosin spoke of the change in 1553, of placing the Oblation after the participation and distribution made to the people, as being contrary to the arrangement in King Edward's First Book, and in all other ancient Litur-

gies. He condemns the change.* Thorndike expresses a similar opinion.†

The Scottish Office closely followed that of the First Book; and thus, in the most solemn portion of the whole Service of the Church, we have restored the language, and nearly the order, of the Book of 1549, which "had been subsequently omitted, and which eminent Divines of the English Church regretted to have lost."

For this invaluable addition to the Office the Church is indebted to the circumstances which caused the consecration of Bishop Seabury, in the pure and suffering Church of Scotland.

The Fifth Article of that interesting paper, the Concordat between the Scottish Bishops and Bishop Seabury, for the Church in Connecticut (1784), declared: ‡ "As the celebration of the Holy Eucharist, or the administration of the Sacrament of the Body and Blood of Christ, is the principal bond of union among Christians, as well as the most solemn act of worship in the Christian Church, the Bishops aforesaid agree in desiring that there may be here as little variance as possible; and though the Scottish Bishops are very far from prescribing to their brethren in this matter, they cannot help ardently wishing that Bishop Seabury would endeavor all he can, consistently with peace and prudence, to make the celebration of this venerable mystery conformable to the most primitive doctrine and practice, which is the pattern the Church of Scotland has copied after in her Communion Office, and which it has been the wish of some of the most eminent Divines of the Church of England that she also had more closely followed than she seems to have done since she gave up her first Reformed Liturgy, *made* and in the reign of Edward VI., between which and the Form used in the Church of Scotland, there is no difference in any point which the Primitive

* Particulars to be Considered.

† Bully's Variations, chap. xxii.

‡ Journal Gen. Conv.; Hawks and Perry, Vol. I., p. 606.

Church reckoned essential to the ministration of the Eucharist."

In a letter from Bishop Seabury to Bishop White, of June 19, 1789, he says: "The grand fault in that Office (the English) is the deficiency of a more formal Oblation of the Elements, and of the Invocation of the Holy Ghost to sanctify and bless them. The Consecration is made to consist merely in the Priest's laying his hands on the Elements, and pronouncing, "This is my Body;" which words are not consecration at all, nor were they addressed by Christ to the Father, but were declarative to the Apostles. This is symbolizing with the Church of Rome in an error—an error, too, on which the absurdity of Transubstantiation is built."

The efficacy of Baptism, of Confirmation, of Orders, is ascribed to the Holy Ghost, and his energy is implored for that purpose; and why should he not be invoked in the consecration of the Eucharist, especially as all the old Liturgies are full to the point, I cannot conceive."

It appears that the Maryland Convention, in 1786, proposed the adoption of the identical words of the Invocation in our present Office. The Rev. William Smith, of Maryland, mentions this fact, and says: "This, I think, will be a proper amendment, and perfectly satisfies such of our Clergy and people as were attached to the Scotch and ancient Liturgies, all of which have an invocation of a blessing upon the Elements. (Church Doc., xi. 291.) See a similar letter from the same to Dr. White, of April 9, 1786. (Journal Gen. Con., Vol. I., p. 560.)

A Communion Office, framed and modelled upon that of 1549, was adopted by the Convocation of Connecticut, in 1786; and the Rev. Dr. Jarvis justly observes: "Notwithstanding all the prejudices against Bishop Seabury which existed in the minds of some of the deputies, principally of the Laity from the States of Pennsylvania, Virginia, and Carolina, all the alterations which he specially advocated were passed without a dissenting voice.

I look with devout thankfulness to God, that the Prayer

of Consecration from the Connecticut Liturgy, modelled, as I have said, on that of 1549, was admitted without opposition, and in silence, if not in reverence.*

It is stated in some of these passages that the Invocation is found in ancient Liturgies. In that of St. Chrysostom, it is as follows: "O Lord, God Almighty! who only art holy, who receivest the sacrifice of praise from those who call upon thee with their whole heart, accept this prayer from us sinners, and present it upon thy Holy Altar, and make us fit to offer unto thee oblations and spiritual sacrifices for our own sins, and for the ignorance of the people. Grant us to find favor in thy sight, that our sacrifice may be acceptable unto thee, and that the Blessed Spirit of thy grace may rest upon us and upon those oblations, and upon all thy people."

This is said after the Disk (Paten) and the Chalice are placed upon the Table, and before the Creed. After the Triumphal Hymn occurs the Prayer of Consecration. The following passage is part of it: "Who didst so love the world that thou gavest thine only-begotten Son, that whosoever believeth on him should not perish, but have everlasting life—who, coming and fulfilling all that was appointed for him to do for our sakes, in the night in which he was betrayed, *or rather gave himself up for the life of the world,*" taking bread into his most holy hands, he gave thanks, and blessed, sanctified, and brake it, and gave it to his holy Disciples and Apostles, saying, "Take, eat, this is my Body," etc. Likewise, after supper, he took the cup, saying, "Drink ye all," etc.

"In behalf of all, and for all, we offer unto thee thine own of thine own. Moreover, we offer unto thee this reasonable and unbloody sacrifice, and we pray thee, we beseech thee, we humbly implore thee, to send down thy Holy Spirit upon us, and upon these gifts presented before thee."

The Deacon says to the Priest: "Bless, sir, the Holy Bread;" and the Priest, standing upright, makes the sign of the Cross three times upon the Holy Gifts, saying: "And

* "A Voice from Connecticut," p. 26.

make this Bread the precious Body of thy Christ, and that which is in this Cup the precious Blood of thy Christ." And pointing with his *Horarium* to the holy things, "changing them by thy Holy Spirit."

It is observed by Bishop Young that these latter passages are the only parts which seem to favor the tenet of Transubstantiation. He vindicates them, we apprehend, from the charge. The change is effected from ordinary to a consecrated condition of the Bread and Wine, etc., and they become the Body and Blood to us, spiritually discerned, and this change is exclusively attributed to the Holy Spirit. The annihilation of the Elements is not meant.*

In the Use of Sarum the form is, "Here again the Priest shall look upon the Host, saying: Which Oblation do thou, Almighty God, vouchsafe to make in all respects blessed, approved, effectual, reasonable, and acceptable, that it may be made to us the Body and Blood of thy most dearly-beloved Son, our Lord Jesus Christ." Then follows the Institution.

The Roman Missal was similar, but with this material addition. After the words "this is my Body," follows, "the words of consecration being uttered, he shall immediately adore the consecrated Host, kneeling; shall arise, and show it to the people; place it upon the Corporal, and again adore." There is a similar direction as to the Cup, after the words, "Drink ye all of this."†

"Here the Priest is to take the Paten into his hands," and "here to break the Bread," etc.

§ 30. Marginal Rubrics. The Marginal directions in the First Book were: "Here the Priest must take the Bread into his hands," "Here the Priest shall take the Cup into his hands," but no breaking was enjoined.

In the Scottish Office of 1637, the Order was, "At these words, took bread," the Presbyter that officiates is to take the Paten into his hands. At these words, "took the Cup," he is to take the Chalice in his hands, and lay his hands

* Russo-Greek Papers; Lit. St. John Chrysostom.

† Bully's Var., 186.

upon every vessel (be it Chalice or Flagon) in which there is any Wine to be consecrated. The revised Scotch Office of 1765 has directions like our own, with some few variations of language. Presbyter is used for Priest.

All such directions were omitted in the Book of 1552 and in that of 1559. They were inserted in that of 1662.

It appears from Bishop Cosin's statement that they had, however, been observed in the interval.*

We repeat, that in this particular also, the true conclusion is, that the directions of the First Book were not repealed by the mere omission in the Second. That Book was recognized, though varied. We have nothing contradictory and nothing of inconsistency with what is prescribed; and one of these elements is requisite to work a repeal.

1789.

1662.

§ 31. Posture on Receiving.	Then shall the Priest first receive the	.	.
	Communion in both kinds himself, and	.	.
	proceed to deliver the same to the Bishops, Priests,	.	.
	and Deacons, in like manner (if any be present) and	.	.
	after that to the people also in order, into their	.	.
	hands, all devoutly kneeling; and when he deliver-	.	.
	eth the Bread he shall say: "The Body of," etc.	.	.
	And the Minister who delivereth the Cup shall	.	.
	say: "The Blood of," etc.	.	.

The Scottish Rubric of 1637 was nearly the same as our own, adding that the Priest say the same benediction when he receiveth, as when he delivereth.

The change of language from *Priest* to *Minister* sanctions the delivery of the Cup by a Deacon.

Of the Cele-
brant. It has been contended by several, that the posture of the Celebrant when receiving is standing. The argument seems substantially this. Such was a rule of the Church so prevalent as to be nearly universal. And either it could not be changed by another law obligatory on the conscience (a position really taken by a few) or the Rubrics in force have not changed it; that the phrase, "all humbly kneeling," refers to the people only. The trans-

* Cosin, Book v., 478.

lations into both the Latin and Greek languages prove this. The latter is used by the Rev. Dr. Pusey, and by a writer in the *Church Journal* of April, 1870.

No doubt the Rubric admits of such a translation, making the kneeling posture applicable to the people, or to the Bishops, Priests, and Deacons, the plurals. It may be admitted that this is the most grammatical construction. But it is impossible to support the proposition that a construction which includes the Minister is a grammatical impossibility. The passage will bear this version, "all who receive, devoutly kneeling."

The Judicial Committee in Machonochie's case, many members of which were acute and learned scholars, held that the Celebrant is to kneel at his own reception. They found no insuperable philological difficulty.

No doubt, under the Use of Sarum, the posture was standing; and so under the order for the Communion of 1548, for the previous part of the Mass, which includes the reception by the Priest, was retained. But in the complete Office of 1549, after the consecration, and immediately before reception, the Priest was directed to kneel down at God's board, and say the prayer, "We do not presume," etc. "Then shall the Priest first receive in both kinds himself, and next deliver it," etc.

The most sensible construction is, that, as he was kneeling during this preceding prayer, he was to continue in that posture, until directed expressly, or by a strong inference, to rise. That inference of necessity occurs when he is to deliver to others. The Book of 1552 in strictness favors the standing posture. After the Prayer of Access, said kneeling, follows: "Then the Priest, standing up, shall say." Then followed the Consecration. And then the Rubric was—"Then shall the Minister first receive," etc., "and after to the people in their hands, kneeling." This was the Rubric also in 1559.

Yet ample authority attests the custom of kneeling, even before the change in the Rubric of 1662. Bishop Andrews in 1625, Bishop Cosin in 1627, Laud in 1628, and Curle in

1637, held the word *kneeling* to be applicable to the Minister.*

And Cosin, in "Particulars to be Considered," no doubt part of the suggestions to be made to Convocation which met in December, 1661, says: "In the Priest's taking the Sacrament to himself there is no direction either for his kneeling when he takes it, or for the words which he is then to say; which is therefore needful here to be added, lest otherwise some contentious Minister might say, that he is not enjoined to kneel in this holy action himself, or to say any words when he takes the Sacrament."†

In the Conference of 1661, the Bishops, in answer to the Puritan Commissioners, say: "The posture of kneeling best suits at the Communion as the most convenient and most decent for us, when we are to receive, as it were from God's hands, the greatest of seals of the kingdom of heaven. When the Church did stand at her Prayers the mode of receiving was *more adorantium*. Standing at prayer hath been generally left, and kneeling used instead. Now to stand at Communion, when we kneel at prayer, were not decent; much less to sit, which was never the use of the best times."‡

All this aids the construction of the Rubric as altered in 1662. The introduction of the important word *all* was needless if the people only were contemplated. One version, indeed, would make it refer to Bishops, Priests, etc., if present as well as people; but it can well be understood as comprising all who receive. Place a semicolon after the word *hands*, and we think that the true intent of the Church is carried out, a true principle observed, and no rule of grammar violated.

The leading Commentators since 1662 agree in the version which includes the Celebrant: Wheatly (page 301), Bishop Mant (p. 86), Dr. Hook (Church Dict., *Kneeling*), and Shepherd.

But the action of the House of Bishops in 1832 is claimed

* Robertson, p. 204.

† Bully, 205.

‡ Perry's Legal Orn., p. 445.

as sanctioning the practice of standing. The language, it is confessed, by uniting the kneeling to the two cases of the Confession, and the prayer preceding the Consecration, appears to favor this view. But it is impossible to understand that such was intended. I have taken the pains to collect the testimony of old Bishops and Presbyters, and am warranted in saying that the practice of the Bishops then was, and continued to be, to receive kneeling, and the course of their successors has been the same.

§ 32. Words on
Delivering.

The words in the Order of 1548 were—

“The *Body*,” etc., “preserve thy *Body* unto everlasting life;” and when the Priest delivereth the Sacrament of the Blood he shall say, “The Blood do preserve thy *soul* unto everlasting life.” In the Book of 1549 the words were altered to “body and soul” in each case.

In this Book the form ended with the words, “everlasting life.” In the Book of 1552 the whole of this passage was left out, and the second clause of the present Form, “take and eat,” etc., was substituted. In 1559 the two clauses were united, and have so remained since.

The Form in the Apostolical Constitutions was, “Let the Bishop give the Oblation, saying, ‘The Body of Christ’—and let him that receiveth say, *Amen*. And let the Deacon take the Cup, and when he giveth it let him say, ‘The Blood of Christ, the Cup of Life,’ and let him that drinketh say, *Amen*.”

In Hermann’s Consultations it is, “Take and eat to thy health the Body of the Lord, which was delivered for thy sins. Take and drink to thy health the Blood of the Lord which was shed for thy sins.”

In the Liturgy of St. John Chrysostom the directions are particular for Priest, Deacon, and People. The Priest, on receiving, says, “The precious and all-holy Body of our Lord, God, and Saviour Jesus Christ is partaken of by me, (N.), Priest, for the remission of my sins, and for everlasting life.” Similar language is used when the Priest partakes of the Cup.

For the People the Form is, “N., the servant of God, is

made partaker of the Holy and Immaculate Body and Blood of our Lord God and Saviour, for the remission of his sins, and for everlasting life." The previous Rubric is, "Then the Priest, as he distributes the mysteries to each, saith."

The responsive Amen of the recipient is found in the Scotch Office of 1637. L'Estrange quotes St. Augustine as saying that the Universal Church, at the receiving the Blood of Christ, answered, Amen.*

The Rubric implies the *Priest* is to deliver the Bread and use the appointed words. The delivery of the Cup is by the Minister. In the Book of 1549 the order was, "If there be a Deacon or other Priest, then shall he follow with the Chalice."

It appears by the Apostolic Constitutions, that the Bishop only was to deliver the Bread, and the Deacon the Cup.† The latter was forbidden by certain Councils to deliver the Bread to the people in presence of a Priest, unless in case of necessity or upon permission."‡

It is to be observed that no words are directed to be said by the Minister upon his own reception. In various Liturgies, the words said by the Priest upon communing are given, but not words used upon delivering to the people.§

Dr. Brett states, that in the Roman Church no one receives the Cup but the Priest, nor are the words set down which he uses when he gives the wafer to the people. When he receives himself, he says: "The Body of our Lord Jesus Christ preserve my soul unto everlasting life." And, "the Blood of," etc.

In the Use of Sarum, the Form was—"The Body of our Lord Jesus Christ be the way and the life to me, a sinner, in the name of the Father, Son, and Holy Ghost;" and, on receiving the Cup—"The Body and Blood of our Lord Jesus Christ be unto me, a sinner, an everlasting remedy unto eternal life, Amen. In the name of the Father and," etc.

The Scotch Rubric of 1637 has this direction: "When

* Alliance, etc., p. 210. † Lib. 8, cap. 13. ‡ Bingham, i., 253.

§ Robertson, p. 205.

he receiveth himself, or delivereth to others, he shall say," etc. The third person, therefore, is used for his own Communion.

Bishops Cosin and Sancroft suggested that a Form should be expressly prescribed. They show that the custom was to use one. They would change the person.

Jeremy Taylor, in his proposed celebration, has the following: "The Body of our Lord Jesus Christ, which was broken for me, preserve my body and soul unto everlasting life. Amen." Then praying a while privately, let him receive the Chalice, saying: "The Blood of our Lord Jesus Christ, which was shed for the remission of my sins, cleanse my soul, and preserve it to everlasting life. Amen."*

1789.

1662.

§ 33. Further
Consecration. If the consecrated
Bread or Wine be

spent before all have communicated, the Priest is to consecrate more, according to the Form, before prescribed, beginning at "All Glory be to Thee," etc., and ending with these words, "partakers of his most Blessed Body and Blood."

. . . . "our Saviour Christ, in the same right," for the blessing of the Bread, and as, "likewise after Supper," for the blessing of the Cup.

The direction in the Order of 1548 was only "when the wine, hallowed and consecrated, doth not suffice." It began with the words, "Likewise after Supper." There was no similar direction in the subsequent English Books until 1662.

Our own Rubric is taken from the Scottish Office of 1765. It began with the same words of the Consecration, and ended with the words for which our language, "partakers of," etc., was substituted, viz., "that they may become the Body and Blood of our Saviour Jesus Christ." It is obvious that our Form is preferable to the English. What is essential to the Consecration at first must be so for a fur-

* Works, Vol. III., p. 822; ed. 1853.

ther setting apart. The Consecration, Oblation, and part of the Invocation, as prescribed in our Office, appear to be essential. Mr. Procter observes :* “ This direction is one about which there has always been a difference of opinion. It certainly favours the notion that the Act of Consecration is connected not with the Prayer, but with the simple words of institution, and it does not even require all of them to be uttered.” He quotes the Scottish Rubric, and adds : “ The safest course is, to avoid the necessity of any second Consecration.”

	1789.	1662.
§ 34. Covering the Remnants.	When all have commu- nicated, the Minister shall return to the Lord's Table, and rever- ently place upon it what remain- eth of the Consecrated Elements, covering the same with a fair linen cloth.	. . . . .

There was no such direction in the previous English Books. In the Scotch Liturgy of 1637 it was : “ He shall go to the Lord's Table, and cover with a fair linen cloth or Corporal that which remaineth.” It was called Corporal from being spread over the Consecrated Bread. It was of common use in the Church as early as the fifth century.†

	1789.	1662.
§ 35. The Lord's Prayer.	Then shall the Min- ister say the Lord's Prayer, the people repeating after him every petition.	. . . . .

This was first adopted in the Book of 1552. Bishop Cosin says, that both St. Ambrose and St. Austin attest to the use of the Lord's Prayer at this time. The Apostolical Constitutions, however, do not include it. There was a long prayer after the participation, and then a benediction by the Bishop.‡

* Page 352, n.

† Wheatly, 308.

‡ Works, viii., 15.

1759.

§ 36. The Thanks- After which shall be said as fol-
giving. loweth :

“ Almighty and Everlasting God,” etc.

This was the Form of the Thanksgiving, and the only one in the Book of 1549. It accords with the Thanksgiving of the primitive Church, and is found in the same position.*

Thus in St. Basil's Liturgy the Form was : “ We thank thee, O Lord our God, for the reception of these holy, pure, and immortal mysteries, which thou hast given for the blessing, the sanctification, the healing of our souls and bodies. Do thou, Lord of all, grant, that the communion of the holy Body and Blood of thy Christ, may conduce in us to unswerving faith, to love unfeigned, to increase of wisdom, to healing of our souls and bodies, to deliverance from all evil, to observance of thy commandments, and to a favourable acceptance at the judgment-seat of Christ.”

The Liturgy of St. John Chrysostom has the following : “ Let our mouth be filled with thy praise, O Lord, that we may sing of thy glory, because thou hast vouchsafed to make us partakers of thy holy, immortal, and life-giving mysteries. Preserve us in thy holiness all our days, that we may learn thy righteousness. Alleluia ! Alleluia ! Alleluia ! ”

Part of our Form is taken from the Use of Sarum : “ I give thee thanks, O Lord, Holy Father, Almighty, Eternal God, who hast refreshed me with the most precious Body and Blood of thy Son, our Lord Jesus Christ, and I pray this Holy Sacrament of our Salvation, which I, an unworthy sinner, have taken, may not be to me for my judgment, or for my condemnation, according to my deserts, but for the perfecting of soul and body, to life everlasting.” †

Mr. Freeman observes, “ That the Sarum Use is distinguished from the Roman, and, indeed, from the other English Uses, by having an act of final Thanksgiving and

* Palmer's Orig. Lit., iv., 22.

† See the Latin Text ; Procter, 324 ; and a Translation in Services of the Church.

Prayer for profit from reception. This is remarkable, and indicates that the Sarum was enriched at some period from an independent source. And when we examine the Form provided, we cannot but be struck with astonishment to observe, that while it is totally unlike the Thanksgiving of any other Rite, it accords always, word for word, with that of an obscure Mesopotamian Liturgy, ascribed to St. Mar-tas in the fifth century. It probably reached us by the hands of Theodore of Tarsus, an early successor of St. Augustine, in the See of Canterbury. We have retained and expanded, not invented, as some have imagined, this act of Service.”*

1789.

1662.

§ 37. *The Gloria
in Excelsis.*

Then shall be said or sung : . . .
“Glory be to God on high,” etc. . . .

In the Sarum Use this was placed near the commence-ment of the Office, before the Collects and Epistle. In the Book of 1549 it occurs shortly after the Prayer, “Almighty God, unto whom all hearts,” etc. It was put in its present place in 1552 ; and is in the same position in the Scotch Office of 1637.

The origin of the Gloria in Excelsis is not traced. It is of very high antiquity. It is found in the Eastern Church as early as the time of Athanasius. It is certainly older than the time of Hilary, in the fourth century. †

It is called the Angelical Hymn, because the first part was sung by Angels at the Nativity. The rest was added at some uncertain, but very early period. It is found three times in the Liturgy of St. James. In the Apostolical Con-stitutions it is a Morning Hymn, with some variations, but is not in the Communion Office. ‡

1789.

§ 38. Then the Priest (the Bishop, if
he be present) shall let them depart
with this Blessing : “The peace of God,” etc.

* Principles, etc., ii., 2, p. 427.

† Prayer-Book Interleaved, p. 175.

‡ Book vii., 47.

In the Order of 1548 it was: "Then shall the Priest, turning him to the people, let the people depart with this Blessing." But the Benediction closed with the first sentence, with the words, "Our Lord." It is framed from Philippians, iv. 7. In the Office of 1549 the Rubric was the same, but the second sentence, "And the blessing of," etc., was added.

In the Liturgy of St. John Chrysostom it is: "The blessing of the Lord be upon you, through his grace and love to mankind, always, now and ever, world without end." The Choir respond *Amen*.

In that of St. Mark we have: "The love of God and the Father, the grace of the Son, our Lord Jesus Christ, the fellowship and gift of the Holy Ghost, be with us all, now and forever, throughout ages of ages." *

Mr. Freeman quotes a Benediction of Archbishop Peckham, as the Episcopal Blessing.

The Blessing of God Almighty, the Father, the Son, and the Holy Ghost, descend upon you, and remain always. †

There are several Forms in Hermann's Consultations cited by Mr. Procter.‡ Among them is the following: "The Blessing of God, the Father, the Son, and the Holy Ghost, be with us, and remain with us forever." He cites an old Saxon Form nearly identical.

1789.

1662.

§ 39. Collects.

Collects that may be said after the Collects of Morning or Evening Prayer, or Communion, at the discretion of the Minister.

Collects that may be said after the Offertory, when there is no Communion, every such day, one or more; and the same may be said also, as often as occasion shall serve, after the Collects, either of Morning or Evening Prayer, Communion, or Litany, by the discretion of the Minister.

The Rubric of 1549 was: "Collects to be said after the Offertory, when there is no Communion, every such day, one." The present Rubric was framed in 1552.

* Procter, 312.

† Principles, ii., 2, p. 353.

‡ Page 355.

The Collects were six in number in all the English Books, and precisely the same. We have omitted in this place the second of them. "O, Almighty Lord," etc., but have transferred it to a place after the Commandments.

Three of these Collects are taken from ancient Sacramentaries. They are the First, the Latin of which is *Adesto Domine*, the Second, and the Fourth. The Fourth is the Third of our Book. The Third, Fifth, and Sixth were framed in 1549. (Prayer-Book Interleaved, 175.)

	1789.	1662.
	Upon the Sundays and	
§ 40. Rubric as to the Ante-Com- munion Office.	other Holy Days (if there	(if there be no
	be no Sermon or Commu-	Communion)
	nion) shall be said all that is appointed	
	at the Communion, unto the end of the	
	Gospel, concluding with the Blessing.	the General Prayer, together with one or more of the Col- lects last before rehearsed.

An examination of these Rubrics justifies these conclusions :

The Ante-Communion Office is to be said on the days specified, although there be no Sermon, or although there be no Communion.

Such portion of the Service is not to be read at the Desk, but at the right side of the Table.

	1789.	1662.
§ 41. Disposition of Remaining Elements.	And any of the Con- secrated Bread and Wine remain after the Com- munion, it shall not be carried out of the Church, but the Minister and other communicants shall, immedi- ately after the Blessing, reverently eat and drink the same.	And if any of the Bread and Wine re- main unconsecrated the Curate shall have it to his own use; but if any remain, of that which was con- secrated, it shall not

There was no similar Rubric in 1549. In 1552 it was :

"If any of the Bread or Wine remain, the Curate shall have it to his own use." In 1659 it was the same. The direction in the Scotch Office of 1637 was similar to that of 1662.

In the primitive Church, whatever of the Consecrated Elements were left, after all had communicated, were either reserved by the Priest, to be administered to infirm persons, in cases of exigency, that they might not die without receiving the Sacrament, or else were sent about to absent friends, as pledges and tokens of love, and agreement in the unity of the same faith. But this custom, being abused, was afterwards prohibited by the Council of Laodicea, and then the remains began to be divided among the Clergy, and sometimes the other communicants were allowed to participate with them, as is now usual in our Church, where care is taken to prevent the superstitious reservation of them formerly practised by the Papists. However, it would be convenient if the Scottish Rubric were observed, by which, to the end that there may be little left, he that officiates is required to consecrate with the least.*

Bishop Cosin, in 1661, adverting to the Rubric as it then stood, observes: "And, therefore, for the better clearing of this particular, some words are needful here to be added, whereby the Priest may be enjoined to consider the number of them which are to receive the Sacrament, and to consecrate the Bread and Wine in such near proportion as shall be sufficient for them; but if any of the Consecrated Elements be left, that he and others with him shall reverently eat and drink them in the Church, before all the people depart from it." †

In the Prayer-Book Interleaved (p. 179) the practice in various ancient Churches is stated in detail. The persons to whom the Eucharist was especially sent were the sick, prisoners, and penitents at the point of death. It is prob-

* Wheatly, p. 320.

† Particulars to be Considered; apud Bully's Variations, p. 218.

able that it was for this purpose that the Deacon was directed, in the Apostolical Constitution, to carry into the Vestry the remnants of the Consecrated Elements.*

The 14th Canon of Laodicea forbade the sending of the holy things into other parishes at the Feast of Easter by way of Eulogia. Dr. Hammond traces this practice, which took place chiefly at the Paschal Festival. Bingham (*Antiq.*, 5, 435) adverts to a custom in the Church of Jerusalem, of burning what was left, and uses it as an argument against transubstantiation being then held. Muratori† disputes the accuracy of the translation, by Bingham, of the Latin author quoted. He admits that where the reserved Elements had become corrupted or injured, they were in some Churches buried, and in others burned. "Yet the Body of God was not, and could not, be destroyed." This logic cannot be disputed. If the natural Element is annihilated, and the Saviour substituted, it were as irrational as impious to suppose its destruction.

There are in the English several post-Communion Rubrics omitted in our own Book.

§ 42. Number to Communicate. 1662. "There shall be no celebration of the Lord's Supper, except there be a convenient number, to Communicate with the Priest, according to his discretion."

"And if there be not twenty persons in the Parish of discretion to receive the Communion, yet there shall be no Communion except four (or three at the least) Communicate with the Priest."

These directions were to prevent the Private Masses which had been introduced by the Church of Rome, where the Priest says Mass and receives the Sacrament himself, though there be some present, but none to Communicate with him.

Now all this our Church, and the English, disavow and reject. The whole frame of our Communion Service is based upon the principle of a union of several in the Rite.

* Chase's Ed., 222.

† De Rebus Lit. Diss., chap. xxii., p. 220.

From the beginning to the end of the Canon, the Forms are in the plural. There is a combined Prayer, acknowledgment, and thanksgiving, except in those special cases where the Minister is alone to speak. "We praise thee—we give thanks to thee—we bless and magnify"—all suppose the presence and union of several.

Van Espen (*De Celebratione*, Vol. I., 413–417), speaks of the three classes of the Mass—the Solitary, the Private, and Parochial. In the former, the Priest communed without the presence of any one. This, he says, was wholly unknown in the primitive Church; the second, was the Reception by the Priest alone, though in presence of the Congregation, which had grown more frequent than it was formerly; and the third, the Communion in common. The last was called Parochial, not from the place, but from the union of people and Pastor, standing around, offering and participating. Whoever did not frequent this Parochial Mass was not in unity with the Church.

The Solemn Mass of former times required the people to be present and unite. At present, it was solemn, if performed with full ceremony; at this the Celebrant alone partook. "It is certain that the Mass was originally instituted, and the Prayers so ordered, as that not only the Priest, but all around, were supposed to partake."

He quotes numerous authorities, proving from the character of the Prayers, the united supplications, that several were expected to share in the Reception. *Mirolagus* says: "It cannot be properly called a Communion, unless many partake of the same Sacrifice."

And yet the Rev. Mr. Blunt favors the practice of the Minister Communing alone, upon the mysticism of a spiritual participation. This is one of the serious blemishes and dangers in a learned and useful work.*

§ 43. Frequency of Communion. 1662. And note, that every person shall Communicate at least three times in the year, of which Easter is to be one. And yearly, at Easter, every

* Annotated Prayer-Book, p. 197, n.

parishioner shall reckon with the Pastor, Vicar, or Curate, or his or their Deputy or Deputies, and pay to them or him all ecclesiastical duties accustomedly due, then and at that time to be paid.” *

By the Book of 1549 the People were bound to Commune once every year at least, and provision was made to encourage it more frequently. In 1552 the order was the same as in 1662.

The advertisements of 1565 ordered a monthly Communion in Cathedral and Collegiate Churches.* In 1571 Grindal directed it to be monthly at least. Andrews, after having an Episcopal House and Chapel, kept monthly Communion inviolably. Herbert writes, “The Parson celebrates, if not duly once a month, yet at the least five or six times in the year, as at Easter, Christmas, Whitsuntide, and after Harvest, and the beginning of Lent.”† Hammond required it to be once in each month. Archbishop Sancroft, in 1688, ordered that it be in the greater towns once in every month, and even in the lesser too, if Communicants may be procured; or, however, as oft as they may. Bishop Bloomfield, in his charge of 1842, says: “I think that in every Parish there ought to be at least monthly Communion.” And Bishop Philpots considers this the very least which ought to satisfy any faithful Pastor of the smallest Parish.”

In the early Church, the Ministration daily was not uncommon. The practice for both Clergy and Laity to receive every Lord’s Day was very general. The Apostolical Canons, the Council of Antioch, and that of Laodicea, attest this.‡ Sunday came to be called *Dies Panis*, because the breaking of Bread upon it was so common. St. Augustine says: “I neither praise nor blame those who receive the Holy Communion daily, but I exhort all to receive it on the Lord’s Day.” §

Councils from time to time, as in 506 and 813, declared

* Stryker’s Pastor, 183. † From Robertson’s “How to Conform,” p. 208–212.

‡ Bingham, v., 536.

§ Apud Ann. Prayer-Book, p. 162.

that the Laity who did not Communicate three times a year should not be deemed Catholics. The Council of Lateran, however, of 1215, only compelled one Celebration, and that at Easter, and it was declared that then every man and woman that had come to years of discretion was to make auricular Confession to his own Priest, and receive the Communion, unless the Priest advised that, for reasonable cause, he should abstain from it. This rule became part of the Canon law.*

Thus we find, in the progress of the lapse of the Romish Church, not merely the subversion of a primitive and godly custom, but the substitution of a pernicious error and corruption.

In our own Church, the custom of a monthly Communion is very general.

Another omitted Rubric was as follows : “ And § 44. The Bread to be used. to take away all occasion of dissension and superstition which any person hath or might have, concerning the Bread and Wine, it shall suffice that the Bread be such as is usual to be eaten, but the best and purest wheat bread that conveniently may be gotten.”

The Rubric in the Book of 1549 directed that the Bread “ be made throughout the Realm of one sort and fashion ; that is to say, unleavened, and round as it was before, but without any manner of print, and something more large and thick than it was, so that it may be aptly divided into divers pieces ; and every one shall be divided into two pieces at the least, or more, by the discretion of the Minister.”

That the primitive Church always used common bread, appears in that the Elements for the Holy Eucharist were always taken out of the people's Oblations of Bread and Wine, which doubtless were such as they themselves used upon other occasions. But when these Oblations began to be left off, about the Eleventh or Twelfth century, the Clergy were forced to provide the Elements themselves, and they, under pretence of decency and respect, brought

* Bingham, v., 552.

it from leavened to unleavened, and from "a loaf of common bread that might be broken, to a Wafer formed in the figure of a *denarius*, a penny."

This summary by Wheatly is from an extended historical statement and argument of Bingham. (Lib. xv., 2, 5, etc.) He shows that, in the contest between the Latin and Greek Churches, as to the Bread being leavened or unleavened, many Latinists, among them Cardinal Bona, held, that the Consecration should be of common and leavened bread.

Mr. Neal discusses the subject at length, and his conclusions are—

"That our Lord celebrated the legal and Mosaic Passover, and consequently celebrated the first Eucharist in unleavened bread. The usage of the Western Church cannot, therefore, to say the least, be blamed.

"At the present day, the Oriental Church uses leavened bread only; the Western, unleavened. The Eastern Church severely censures the Roman. The Roman merely declares that the Sacrament may most conveniently be consecrated in Azymes, and that in her own Consecration it cannot be otherwise consecrated without great sin. There was a tradition through the Middle Ages that the Roman Church had originally used leaven, and the Council of Florence, A.D. 1438, declared that the Body of Christ was truly consecrated in bread made of wheat, whether it be leavened or unleavened.

"The Eastern Church, with the exception of the Armenian, has always used leavened bread only."*

Mr. Robertson has collected a number of authorities, showing the practice in England for a series of years.† Queen Elizabeth, by her Injunctions of 1559, prescribed Wafers. Burton notices it as a singularity, about the year 1600. The Scotch Liturgy of 1636 declares, "that though it be lawful to have Wafer bread, it shall suffice that the bread be such as is usual." Archbishop Laud declared, that he had never given or received the Communion but in ordi-

* Hist. of the Eastern Church, 1051.

† "How to Conform," etc.

nary bread. In the Purchas case, Feb., 1870, Sir Robert Phillimore held, that Wafer bread in form might lawfully be used. It might be leavened or unleavened. But the Judicial Committee reversed this decision, and held that only common leavened bread could be used.

It is no doubt true that the Bread used at the Last Supper and Institution was unleavened. The Jews were expressly forbidden to have any other in their houses at the Passover. Diligent search was made to discover whether any other had been concealed. This bread of affliction was of pure flour and water, without any mixture.*

Hence, the argument has much strength, that the Saviour used this because it was at that season not merely of common but necessary use, and recognized the principle that what was of ordinary use could be employed, and did not leave an absolute rule for the future, which would make unleavened bread essential.

One of the charges against Mr. Purchas was his use of Wafer bread—bread made in the shape and fashion of circular wafers. After an extended examination, the Judicial Committee decided that the Rubric contained a positive direction to use only the usual bread, of the purest wheat. From a large number of Visitation Articles, they deduce that, until about 1840, the practice was universal, and Wafer bread was not used.

1662.

§ 45. By whom provided. “The Bread and Wine of the Communion shall be provided by the Curate and the Church Wardens at the charge of the Parish.”

The Rubric of the Book of 1549 recited that the Pastors and Curates were to find, at their costs and charges, in their cures, sufficient bread and wine for the Holy Communion, and ordered that, in recompense for the same, the Parishioners should offer, every Sunday, at the time of the Offertory, the just value and price of the Holy loaf (with as much money and other things as were wont to be

* Jennings' Jewish Antiquities, 396, 407; Calmet, Tit. Passover.

offered with the same) to the "use of their Pastors and Curates."

In the Book of 1552, the Rubric was the same as that of 1662, above cited, with this addition: "And the Parish shall be discharged of such sums of money or other duties which hitherto they have paid for the same."

In the Report made by Bishop Croes to the Convention of New Jersey, upon the Duties of Churchwardens, he enumerates this: "To provide, at the expense of the Congregation, a sufficient quantity of fine white Bread, and good wholesome Wine, for the Celebration of the Lord's Supper." *

Very frequently a portion of the Communion Alms is applied to this purpose. This is in consonance with primitive usage.

By the 23d Resolution of the Convention of Virginia, in 1785, among the specified duties of Churchwardens is, that they shall furnish Books, Ornaments, Surplices, Elements for the Sacrament, and other things necessary. †

1662.

§ 46. Disposition
of the Alms.

After the Divine Service is ended, the money given at the Offertory shall be disposed to such pious and charitable uses as the Minister and Churchwardens shall see fit. Wherein, if they disagree, it shall be disposed of as the Ordinary shall appoint.

We have before noticed the Scotch Rubric of 1637, by which half the amount was to go to the Presbyter to buy books, and the other half for pious and charitable purposes. (Ante, § 15.)

By a Canon of the General Convention, the Alms and Contributions at the administration of the Holy Communion shall be deposited with the Minister of the Parish, or with such Church Officer as shall be appointed by him, to be applied by the Minister, or, under his superintendence, to such pious and charitable uses as shall by him be thought fit. ‡

* Law of the Church, 259.

† Hawks, Contr. Notes, p. 10.

‡ Tit., i., Canon 12, § 111.

§ 47. Rubric as to Ornaments. One other omitted Rubric should be noticed. Although of a general character, it is more applicable and of more importance, in relation to the Communion Office, than to any other. It is the celebrated Rubric as to the Ornaments of the Church and Ministers. Its history is this :

By the Act of Uniformity, of 1559, in the reign of Elizabeth, it was enacted, "That such Ornaments of the Church, and of the Ministers thereof, shall be retained, and be in use, as was in the Church of England, by authority of Parliament, in the second year of the reign of King Edward VI., until other order shall be taken therein, by the authority of the Queen's Majesty, with advice of her Commissioners."

The Rubric in the Prayer-Book of Elizabeth ran thus : "And here it is to be noted, that the Minister, at the time of the Communion, and at all other times of his Ministration, shall use such Ornaments in the Church as were in use by the authority of Parliament, in the second year of the reign of King Edward VI., according to the Act of Parliament set forth in the beginning of this Book."

The Rubric, in the Book of 1662, differs so slightly from this, that the variations need not, for our purpose, be noticed.

The settled construction is, that by the term Ornaments of the Minister, vestments are intended, and by Ornaments of the Church, the Articles (*instrumenta*) used in Public Ministrations. The Judicial Committee of the Privy Council settled this ; and I have not found it denied by any one in the very extended discussions on the subject.

That Committee also settled (and such is the incontestable law of the English Church) that those Ornaments of the Church, and those only, are lawful, which are in terms prescribed or specified in the First Book of Edward (1549), or may be deduced as necessary attributes to what is specified or directed.

Until the decision in the *Purchas* case, February, 1871, it was generally considered that this was the law as to the Ornaments of Ministers (vestments) as fully as it was in

regard to Ornaments of the Church. The Judicial Committee, however, in the Purchas case, held the Rubric, as far as it related to Vestments, to be superseded by other competent legislation, chiefly by the Canons of 1603, and by custom. This point is fully examined, post, chap. iii., § 9. But as to Ornaments of the Church, the prior decisions were recognized fully, both in what was affirmed and what was negatived. Whatever was enumerated, or was a necessary attribute, or a proper and known adjunct to what was enumerated, was legal, and everything else unlawful. In like manner, the Ceremonies or Ceremonial Acts permitted, are those which have the warrant of the Book of 1549.

Applying these principles, the Judicial Committee has definitely settled the following points. No English Churchman is at liberty to contest or disobey these declarations of the law.

(1.) A Crucifix in the Church is illegal. The law so plainly forbade this, that discussion was needless.

(2.) Crosses attached to the Communion Table, or standing upon it, were unlawful; but not if placed in other parts of the Church.

(3.) A credence table was lawful, as an adjunct to the Holy Table; and this, or a ledge in the Chancel wall, as found in some old Churches, was made necessary or proper by the Rubric directing the Elements to be placed on the Altar at a certain part of the Office.

(4.) The linen cloth which covered the Table at the Ministration must be plain and unadorned with lace, embroidery, or otherwise. Every Judge, in every Court, concurred in this.

(5.) The carpet of silk, or decent stuff, ordered by the Canon of 1603, to cover the Table, during Divine Service, other than at the Communion, might be changed, and be of various colors and ornamentation, subject to the discretion of the Ordinary.

(6.) The use of lighted candles upon the Holy Table during the Service, not required or employed for the purpose of giving light, was illegal.

(7.) An organ was lawful, as a known adjunct to the singing directed.

(8.) The use of incense in celebrating the Communion was unlawful.

(9.) And so was the mixing of water with the Wine during the Office, and as a part thereof.

(10.) The elevation of the Paten, or Chalice, or the Elements, during or after the Prayer of Consecration, was unlawful, except that slight raising which might attend the act of taking the Paten or Cup into the hands.

(11.) Kneeling or prostration during the Consecration of the Elements, and before reception by the Minister, was not lawful.

(12.) The Minister, upon his own reception, was to kneel. The Rubric, "All devoutly kneeling," included him.

And the principle guiding the solution of every case was : "Is the Article, or Instrument, or Ceremony, enumerated or specified in the First Book of Edward, or plainly deducible from, or auxiliary to, something therein, and known to custom?"

But our Church, in 1789, omitted this Rubric. Nothing can be more clear than that such omission was equivalent to a declaration that it should not constitute part of our law. What is the result?

If, upon the revision of 1662, the Rubric had been omitted, it would have been repealed, and if the statutory similar provision in the Act of Elizabeth had been repealed, the effect would have been the restoration of the Rules in the Book of 1552, as varied in 1559, or 1662, or by the Canons of 1603. But as the Book of 1552 recognized, and was based upon, the Book of 1549, and retained in force everything which it did not change, it would logically and certainly have resulted, that the Rules of that Book of 1549 were to govern, unless expressly, or by just deduction, altered subsequently. The importance of this point warrants our dwelling upon it a little longer.

When the statute of 2 James I., cap. 25 [1606] repealed the statute of Mary, which had repealed the statutes of

Edward, the Act establishing the First Book was revived. The Parliamentary obstruction being thus removed, the consent of the Church being indisputable, the laws became exactly the same as if the Act of Mary had never been passed. And, therefore, the Ritual Law was to be found in the First Book as modified or added to subsequently. The provisions as to Ornaments, in the statute and Rubrics, superseded the directions of the Book of 1552, where they differed. The repeal of such provisions would have restored them, if not otherwise varied.

We submit that the omission in our Revision has precisely a similar effect. We resort to our provisions first. We proceed for guidance where there is no provision, and for explanation where there is, to the English Books, in successive order, ascending from the last; our ultimate fountain of order and truth being the Book of 1549.

Upon these principles we shall have a guide more sure and definite than any other we can possibly take. We shall have as near an approach to certainty, the mother of quietness, as we can reasonably expect. But this will not exclude our inquiries into other sources, formularies, and observances. On the contrary, these will be useful and deeply interesting; for they will reveal how wonderfully the Church has been the restorer of what has the consecration of the practice of the purest antiquity. From the time of her concentration of truth, and Rites faithful to truth, in the First Book, she has not been the constructor of Services or Rituals; but she has restored, purified, and relighted what had been neglected, corrupted, or overshadowed. The great thought, the pervading principle, is the alliance between Doctrine and Ceremonial. The latter is the fruit and symbol of the former. It will speak of truth, or be the reflex of falsehood, as the one or the other predominates. When a Minister elevates the sacred Elements above his head for the people to bow to, he teaches Transubstantiation visibly. His outward act announces heresy.

It must be that, as we have, by God's grace, received the

Catholic doctrine as revived and avowed in the Reformation of Edward, so we may abide by the Ceremonial and Ritual Law then set forth, the companion and mirror of that renewed faith, unless we find it lawfully varied or rejected.

CHAPTER III.

OTHER POINTS CONNECTED WITH THE COMMUNION.

§ 1. Dismissal of Non-Communicants. THE dismissal or withdrawal of non-Communicants, and the fitting time for it, has been the subject of much discussion. Mr. Maskell has examined the matter very fully. As to the Ancient Rule, he says: "It is so well known that, during the five first centuries at least, the uniform practice was to allow no one to be present except Communicants and the first class of penitents, that it would be a waste of time to repeat authorities which have been cited over and over again. They who wish to examine them may consult *Bona de Rebus Liturgicis*, Lib. 1, cap. 16, and *Bingham's Antiq.*, Book 15."*

In the Liturgy of St. John Chrysostom, after the Corporal is unfolded, follows the expulsion of the Catechumens: "Let the Catechumens depart." "Let not any of the Catechumens." "Let all the Faithful."† In that of the Syro Jacobite, it is: "Go in peace, Auditors. Auditors, go in peace. Ye that are baptized, draw nigh to peace. Shut the doors."‡ In the Clementine Liturgy: "Let none of the Catechumens, none of the hearers, none of the unbelievers, none of the heterodox stay. You have prayed the former prayer—depart."§ This precedes the direction for the Deacon to bring the gifts (the Elements) to the Altar.

Mr. Maskell also observes that the old Discipline was retained in many, if not in all, the Churches. Bona admits that it did not fall into disuse until the Eighth century, and Morinus acknowledges the same. He quotes *Amalrius*, a writer of the Ninth century, who says: "Our custom holds

* Ancient Liturgies, Preface, p. 83.

† Neal's Hist. East. Church, i., 371.

† Neal's Prim. Litur., 104.

§ Brett, p. 1.

that we repel the Catechumens before the Gospel. . . . Wherefore they properly depart at that time at which the Sacrifice is celebrated."

Durandus, in the Thirteenth century, writes: "The Mass of the Catechumens is from the *Introit* until after the Offertory, which is called *Missa*, from sending forth; since, when the Priest begins to Consecrate the Eucharist, the Catechumens are dismissed from the Church. The Mass of the Faithful is from the Offertory to the Post Communion."

Such is the testimony of the Ancient Church to the actual interdiction of the presence of Non-Communicants. The change of the rule, and the permitted presence of all, grew out of the innovation that the reception by the Priest only, was a sufficient participation of all. As early as a Canon of the Council of Orleans, A.D. 538, the people were forbidden to leave the Church before the Mass was finished.* But Bingham observes that it appears from this Canon, by one of the Council of Aidge, A.D. 566, and one of Toledo, that this attendance was until the Lord's Prayer was said, and an Episcopal benediction given, just preceding the reception. He cites the Orleans Canon in full.†

In the Book of 1549, the Rubric after the Offertory ended, was: "Then so many as shall be partakers of the Holy Communion, shall remain in the Quire, or some convenient place near the Quire, the men on the one side, and the women on the other. All others that be not minded to receive the Holy Communion shall depart out of the Quire, except the Ministers and Clerks."

We presume the term "Quire" here means the Chancel, and the Rubric appears to sanction the presence of others in the body of the Church. Mr. Maskell doubts this.‡ Farrar, in Edward's reign, was accused of suffering new Communicants to remain in the Quire. His defence was that the Quire was not properly separated from the rest of

* Guizot's Hist. Civilization, iii., 264.

† Antiq., 5., 354, and p. 340.

‡ Preface, p. 77.

the Church.* In Canterbury Cathedral there was an order for all who did not Communicate to leave the Quire.

Considering that this was the beginning of the struggle between the Romish Mass and the English Communion Office,—that the Chancel was the place of Administration—and that the people had long been accustomed to a Private Mass—we may look upon this as a compromise between expulsion and a continued presence.

But one of the Exhortations in the Book of 1552 contained the following passage: “And whereas ye offended God so sore, in refusing this holy banquet, I admonish and beseech you that to this unkindness, ye will not add more; which thing ye shall do if ye stand by as gazers, and lookers-on of them that do Communicate, and be not partakers of the same yourselves. For what can this be accounted else, than a further contempt toward God? Wherefore, rather than that ye should so do—depart you hence. But when you depart, I beseech you ponder, from whom you depart.” This is also found in the Book of Elizabeth.

But in the Book of 1662 this passage was omitted, and there was nothing as to dismissal, withdrawing, or remaining. The same is the case with our own Book.

In reference to this exhortation of 1552, Bishop Cosin used this strong language: “It is a religious invective against the custom of the people, then nursed up in Popery, to be present at the Communion, and let the Priest Communicate for them all.”

Harding had said, in scorn, that the English Church would have all the people driven out of the Church who would not receive. Jewell answers, “You know that this is neither the doctrine nor the practice of our Church—howbeit the Ancient Doctors have taught so, and also practised the same.” He then cites authorities to show that if there had been any which would be a looker-on and abstain from the Communion, him did the old Fathers and Bishops

* Robertson, “How to Conform,” 195.

of Rome, in the primitive Church, before Private Masses came up, excommunicate.*

In 1603, the Lower House of Convocation suggested a rule that no person abide within the Church during the Communion unless they Communicate. That they should depart after the Exhortation, and before the Confession. It was not adopted.†

Whitgift, in his defence, writes : " The Book of Common Prayer doth greatly commend and like the receiving of the whole Church together ; but if that cannot be obtained, as it cannot (and they will not have men compelled into it), it secludeth not those that be well disposed, so they be a competent number. And the Book doth exhort those to depart which do not Communicate, with a warning from whence they depart, so that you may well understand that the meaning of the Book is, that all that be present should Communicate." ‡

In 1583, Bishop Middleton ordered that non-Communicants depart after the General Confession. If any refused, they were to be complained of at the next Consistory Court.

Mr. Maskell quotes *Romsée*, termed a very learned writer, to the point, that formerly the Mass proper began with the Offertory ; the preceding Prayers, etc., being a preparation for the Sacrifice. But at the Offertory the Mass of the Catechumens ended, and that of the Faithful began, " for then the Catechumens and penitents being expelled, the Faithful alone would be present." Maskell himself recommends a return to the old practice of non-Communicants leaving after the Sermon. Mr. Procter states the usual practice to be for them to leave after the Sermon, and before the Offertory ; but another custom had been introduced of not dismissing any part of the Congregation until the Offertory was finished.§

Bishop Mant observes : " For the avoiding of confusion by the withdrawal of non-Communicants, and for the con-

* Chap. v., § 14.

† Ibid.

‡ Robertson, " How to Conform," etc.

§ Book of Common Prayer, 358, n.

venient placing of Communicants, a brief pause in the Service is necessary ; the best place for which, in my judgment, is the interval between the Prayer for the Church Militant, and the Exhortation to the Communicants at the time of the Celebration." *

Dr. Wilson, in his note, says : "The most proper time for dismissing the non-Communicants seems to be at the close of the Prayer for the Church Militant, and this should not be done by any false or factitious ending of the Service with either the Apostolic or Sacerdotal Benediction." He proceeds to argue this point.

There are writers who defend the wisdom and expediency of encouraging the people to remain ; and the argument, as to such at least who are preparing and minded to become Communicants, has great weight. Mr. Maskell states the arguments, and earnestly combats them.

The result of what we have collected seems to be this :

The deliberate omission of the stringent direction to depart, which was in the Book of 1552, indicates that the Church meant to leave the matter without approval or condemnation. And, as any compulsion to remain would be hurtful, if practicable a suitable opportunity to retire without confusion should be given ; and the true test of this should be, when does the Communion proper begin ?

In our Office, this appears to be at the Exhortation, previous to the Celebration. That is addressed distinctly to those "who mind to come to the Holy Communion." The Prayer preceding, for the whole state of Christ's Church Militant, is a Prayer for grace "to all thy people, and especially to the Congregation then present ; and we have seen that the opinion of so judicious a Prelate as Bishop Mant, points to this interval as the time for withdrawal. We are to remember, also, that in 1549, it was after the Offertory that those not meaning to commune were to leave the Quire."

But why is the dismissal with the Sacerdotal Benediction

* *Horæ Liturgicæ*, 89.

condemned? We have seen that Bingham cites old Canons, to prove that there was a Special Benediction upon the dismissal of Catechumens and others. The 11th and 12th of the Apostolical Constitutions are plainly to this effect.* There is a Prayer for the Faithful, answering to that for the Church Militant; and then the Bishop is to salute the Church, and say: "The peace of God be with you all." And the people answer: "And with thy Spirit." Then follows (xii.) the dismissal of the Catechumens, in a Constitution of James.

This will not be found inconsistent with the Tenth of the Apostolical Canons. The censure there is upon such of the Faithful as entered the Church, and heard the Scriptures, joined in the Hymn and Prayers, and neglected to commune. These are subjected to the sharp rebuke of St. Chrysostom. He asks why they do not depart with the unworthy.†

With such authority, the practice which prevails in many of our Churches of saying the lesser Benediction after the Prayer for the Church Militant, and thus intimating the time for departing, may well be approved. And we apprehend that the wisest as well as most conciliatory course for increasing the number of Communicants is this.

We leave this subject with referring to the impressive passages in Freeman's Principles, in which he traces the infrequency of Lay Communion in certain ages, to the growth of the dogma of the sufficiency of the Priest's Communion for the people. The withdrawal of the portion of the people in the Office, was the abdication of part of the Priesthood of the Temple.‡

The mixing of water with the Wine during the Office, and as part of it, with a vessel upon the Table, for holding the water,§ was decided to be unlawful by the Judge below, both in the *Machonochie*

§ 2. The Mixture of Water with the Wine.

* Chase's Edition, 211, 212-246.

† Bingham, xv., 42.

‡ Principles, ii., 1, 29-53.

§ A metal bowl, with screws and pipes, called *Trincanale*. Terry's Lawful Ornaments, 362.

and Purchas case, and absolutely at any time by the Judicial Committee in the last case. (See post.)

The use of water alone appears at an early day to have existed. It was denounced as a pernicious heresy. St. Chrysostom terms it such; observing that our Lord instituted the Sacrament in Wine. St. Cyprian insisted that the Blood of Christ was not offered if there was no Wine in the Cup. It appears that in his time it was the custom to mingle the Wine with water. The Third Council of Carthage recognized it, and so did the Council of Braca.*

In the Liturgy of St. John Chrysostom, after the actual Consecration of the Cup with Wine, some warm water is blessed, and put into it. Mr. Neal notices how this struck the Latins, at the Council of Florence, as irregular.†

In the Liturgy of St. Mark, there is nothing to show any mixing after the Elements are brought from the Prothesis, and carried to the Altar. There is the declaration that the Saviour mingled water with the Wine. The same remark applies to the Liturgy of St. James.

In the Order of Constantinople, in that part of the Office which takes place in the Chapel of the Prothesis, the Deacon is directed to pour into the Chalice Wine and water. It is in that place that the Elements are kept prior to their removal to the Altar.‡

Mr. Neal says: "I need not prove from the Third Council of Carthage, the Fourth of Orleans, that of Auxerre, 578, and Worms, 808, from St. Augustine and St. Chrysostom, that the practice is universal in the Western Church. So in the Eastern, St. Justin (I might add St. Irenæus) will be sufficient testimony for very early times; St. John Damascene and the Council of Trullo for later.§

The leading Roman Divines admit that the mixture is not essential to the Sacrament, although its omission is an offence. The Catechism of Trent, p. 11, De Euchr., 17, expressly declares this. ||

* Bingham, Vol. V., 255.

† Neal's Liturgies.

‡ Hist. Eastern Church, i., p. 344.

§ Ibid., p. 475.

|| Trollope, Lit. of St. James, p. 75, note.

Sir Thomas Aquinas resolved the questions upon the subject thus : That some water should be mingled with the Wine ; that it should be a very small quantity, *paululum aque* ; for if there was so much water as to destroy the character of Wine, the Sacrament would not be perfect ; and that the mixture was not of the essence of the Sacrament.* The custom also prevailed in the Early English Church. In the Penitential of Theodore it was ordered, that no Priest should offer anything in the Sacrifice except what the Lord taught should be offered, that is, unfermented bread, and Wine mixed with water ; because, from his side flowed Blood and Water.† Similar injunctions are found in the Excerpts of Egbert, and the Ecclesiastical Institutions and Capitula of Theodulf.‡

In the Use of Sarum, Bread, Wine, and water were to be brought to the Priest during the Celebration, and the Cup is spoken of as containing Wine and Water. I do not find when, precisely, the mingling was made.

By the Rubric in the Book of 1549, it was directed " that the Priest put to the Wine a little clear and pure water ; and putting both the Bread and Wine upon the Altar, shall say." This Rubric was omitted in the Book of 1552 and in that of 1559. In 1662 the Rubric was, " And when there is a Communion the Priest shall then place upon the Table so much Bread and Wine as he shall think sufficient. After which the Priest shall say," etc. Our own Rubric is nearly the same.

Again, the Minister is to lay his hand upon every vessel in which there is any Wine to be consecrated ; and the Invocation is " upon these thy creatures of Bread and Wine."

It is to be remembered that the Second Book, and that of 1559, not only omitted the Rubric of 1549, but had no direction whatever upon the matter, not even of placing the Elements on the Table. Hence the just conclusion,

* Cited in the Machonochie case.

† Johnson's Eccles. Laws, Vol. I.

‡ Ibid., p. 453.

upon the principles of construction we advocate, would be, that the rule in the Book of 1549 continued in force.

But the Book of 1662 and our own have express enactment upon the very matter. A part of the Rubric of 1549 is restored, that, viz., as to placing the Elements on the Table; and the clause in the same Rubric as to the mixture is left out. The argument is decisive. The re-enactment of a part involves the prohibition of the residue.

Sir Robert Phillimore, in the *Machonochie* case, observes : "It must be borne in mind that the compilers of our present Prayer-Book had before them the First Book of Edward VI., and carefully considered the Rubrics which it contained; and, in my opinion, the legal consequence of the omission of the Water, and of the act of mixing it with the Wine, must be considered as a prohibition of the Ceremony during the Celebration."

Wheatly* and Johnson† consider the act to be unauthorized. The former contends that there is not adequate proof that the Saviour ever used mixed Wine at the Institution, much less of his performing the act of mixing. The latter, acknowledging the antiquity and wishing the practice had been continued, distinctly allows that the rule of the Church of England is against it, and pleads that she is not to be censured in this, because, mainly, the Saviour had not commanded such a practice.

Sir William Palmer denies that there is any obligation for the practice.‡ Mr. Trollope says that, although the English Church has discontinued the use, it has not formally condemned it.§ And Mr. Maskell closes a long argument upon the subject thus: "Therefore, although we may regret that this primitive practice is not now included among the Rites according to which we celebrate the Eucharist, yet, as it is not essential to the valid consecration and administration of the Cup, and has been forbidden by our present order of Communion, the wise and proper course

* Wheatly, p. 286.

† Orig. Lit., Vol. II., p. 25.

† Unbloody Sacrifice, ii., p. 58.

§ Liturgy of St. James, p. 75, n.

for the Ministers of the Church of England to pursue, must be to consecrate Wine only without any mixture of Water.”*

Mr. Brett, whose Dissertation on the Liturgies contains the most elaborate and able argument for the mixture that I have met with, yet allows that the English law does not sanction the practice at the Table.†

The Dean of Arches, in the *Machonochie* case, and also in the *Purchas* case, held, that the mixing at the Table as part of the Service, was unjustifiable; but did not condemn the mixing elsewhere, as in the Vestry-room. The Judicial Committee adjudged that any commixture of Water with the Wine was unlawful.

It appears that so eminent a Divine as Dr. Pusey means to continue the practice, and states that the judgment in the *Purchas* case has condemned the way in which our blessed Lord instituted his Sacraments.‡

We are not able to judge accurately whether the learned Divine means to vindicate the mixture at the Table openly as a ceremony, or a mixture elsewhere. We incline to think it is the latter. The Letter has led to some further reflections which we deem of moment:

First—Let it be treated upon some texts of the Old Testament and the Gospel narrative, independently.

“He washed his garment in wine, and his clothes in the blood of the grape.” (Genesis, xlix. 11.)

“Wherefore art thou red in thy apparel, and thy garments like him that treadeth in the wine-fat?”

“I have trodden the wine-press alone.” (Isaiah, lxiii. 2, 3.)

“Neither shall the fruit be in the vines.” (Habakkuk, iii. 17.)

“Neither shall your vine cast her fruit before the time, in the field.”

“Come, eat of my bread and drink of the wine which I have mingled.” (Proverbs, ix. 5.)

* Ancient Eng. Lit., Preface, 135.

† Liturgies, Dep., 159, p. 399.

‡ Letter to Canon Liddon, Ap. 29, 1871.

“She hath killed her beasts; she hath mingled her wine; she hath also furnished her tables.” (Proverbs, ix. 2.)

“Thy silver is become dross; thy wine mixed with water.” (Isaiah, i. 22.)

“Who hath woe? who hath redness of eyes? They that tarry long at the wine cup; they that go to seek mixed wine.” (Proverbs, xxiii. 30.)

“They shall drink of the wine of the wrath of God which is poured out without mixture.” (Rev. xiv. 10.)

“The vine shall give her fruit, and the ground shall give her increase.” (Zechariah, vii. 12.)

“I will not drink of this fruit of the vine until I drink of it,” etc. (Matthew, xxvi. 29.)

These passages show that wine and the blood of grapes are synonymous; that ordinarily wine means the fruit of the grape merely; that the fruit of the vine is primarily the grape. Unmixed wine denotes, in one case, the strength and fierceness of God’s wrath. Mixed wine is either wine deteriorated by water, or wine as intoxicating as if unmixed, probably because of the union of perfumes or herbs; and, lastly, we have the recognition of a custom to mix wine with water for feasts.*

That wine is figuratively called *the fruit of the vine* is evident from the passage above cited: “I will not drink of this fruit of the vine,” etc. That the term most naturally means unmixed wine is proven by the language of several early Liturgies; that of St. Basil Orthodox, and of St. Basil Syro-Jacobite, of St. Gregory, and Matthew the Shepherd.† The language of one of them is: “Thou didst take the Chalice, and didst mingle it of the fruit of the vine and water.”

It would seem reasonable that the term should also be applied to wine *temperately* mixed with water, a phrase found in several Liturgies. That it should be confined to the mixture, as Mr. Brett intimates, and Wheatly ‡ denies,

* The wines of Canaan were very heady, and it was the custom to mix them, (Calmet, *Wine*.) † Neal’s Prim. Liturg., 178–180, 189, 203. ‡ P. 219.

is improbable. But if it was (as it seems almost certain) the Paschal Cup that was used then as that was mixed, the term, as thus employed by the Saviour, referred to a mixture.

There are two points involved in this subject.

First, Was the Wine which was used at the Last Supper mixed with water?

Next, Did the Saviour perform the act of mingling?

As to the first, we presume there is little room for doubt. Two things appear to be generally conceded; that it was the Paschal Cup which was used, and such Cup was almost invariably a mixture of Wine and water. The voice of the early Church, condemning those who used water only, and the almost uniform evidence of Liturgies and early writers, appear to set this point at rest.

The answer to the second question is less certain. We find it stated in many very ancient Liturgies, that the Saviour, at the Institution, and as part of it, did mix the Wine with water. This is the case in the Liturgy of St. James, of St. Mark the Clementine, of St. Basil, St. Cyril, and St. Gregory, all Coptic Jacobites, and of many of the Syro-Jacobite class. In one of this class, however, it is: "After the Mystical Supper, he received the Chalice of Wine and water, and gave thanks over it," etc. (St. John the Evangelist.)

There is no such recital in the following Liturgies: that of St. John Chrysostom, used in the Patriarchate of Constantinople, the Mozarabic, the Ambrosian, that of Theodore the Interpreter, the Syriac Liturgy of St. James, that of Malabar the Ethiopian, nor of course the Armenians, as Wine alone was used.

Nor is there anything of the kind in the Roman Mass, nor either of the Uses of Sarum, Bangor, or York, nor in the Office of 1549, nor the First Book of Edward,* nor any of the subsequent Books.

* The authorities for these statements are Neal's *Primitive Liturgies*; Neal's *Hist. of the Eastern Church*, Vol. I.; Brett on the *Liturgies*; Maskell, *Ancient Eng. Liturgies*, Preface.

Take the Mozarabic Liturgy, for example, used in the Churches of Spain, at least as early as the Fifth century, according to Cardinal Bona.* In the recension of it, called the *Missale Mixta* of St. Isidore, we have the mixture directed, but no statement of the act being done by the Saviour at the Institution.†

The evidence, then, from the old Liturgies in favor of the act being performed by our Saviour, is far from uniform or decisive. It is asserted in very many, and is inferentially denied by many. Although the assertion in the former is affirmative, and silence only in the latter, yet that silence, in a matter so important as the Institution, is of equal weight. It is a matter of tradition; and had the tradition been universal, the practice would have been so.

And as to the early Fathers, Irenæus, while clearly stating that the Cup was mixed, has not a word tending to show that the act was done by the Saviour. The same may be said of Justin Martyr. The evidence of St. Cyprian, much later, may be admitted to be in favor of the act.

Again, if the Cup was the Paschal Cup of the Jews, it had been already mixed. Why, upon any of the reasons given for the mixture, the act should be repeated, is not intelligible.

Add to this, the omission in every narrative of the Last Supper, of such an act—(a narrative full of particulars of acts done and language used)—and of an act so marked and demonstrative, and we think the testimony is strong against its having occurred.

Then we are warranted in concluding that such a ceremony is one within the province of a National Church to follow or forbid; and the Church of England and our own has forbidden it. We are also justified in holding that mixing before the Service is allowable. The decision of the Court of Arches was right, and that of the Judicial Committee wrong, upon this point.

§ 3. Incense. The use of Incense during the Service was of two kinds: *first*, the incensing of persons and

* Brett, p. 380.

† Patrologiæ, 85; Paris, 1850.

things; *next*, its use generally, but not for such particular purposes.

The charge in the Machonochie case was for offending in both forms with separate specifications. It was stated by him in defence, that he had used incense in both modes; but, having been advised by counsel that the legality of the first mode was doubtful, he had discontinued it before the suit was brought. But he admitted that he had caused and allowed incense to be burned during the reading of the Consecration Prayer, and afterwards, until the time of the Administration to the People.

This was adjudged to be unlawful.

Mr. Brett closes a critical examination of the Apostolical Canons thus: "It is therefore evident, by considering and comparing these two Canons together, that the third of such Canons, which is the most ancient testimony that we have for the offering of incense at the Christian Altar, is, so far from proving it to have been an Apostolical practice, or an approved practice in the primitive Church in the first three centuries, that it proves the direct contrary." He then shows how it came to be introduced among the things offered for a pious use, such as for embalming the dead. The offering of incense being thus permitted, came by degrees to be a universal practice, first in the East, and afterwards in the West. He that desires to know more of the matter may consult Mr. Dodwell's Discourse concerning the use of incense in Divine Offices, wherein it is proven that this practice, taken up in the Middle Ages, both by the Eastern and Western Churches, is, notwithstanding, an innovation upon the doctrine of the first and purest Churches, and the traditions derived from the Apostles.*

The Liturgy of St. James, used in the Church of Jerusalem, is spoken of by Mr. Brett as having been prepared as early as any other. It was undoubtedly older than the Fifth century.† Mr. Trollope says that it is found in uninterpolated purity as early as the middle of the Fifth century,

* Ancient Liturgies, p. 346, etc.

† Ibid, p. 338.

and notices the long-established persuasion that it originated, in its main features, with St. James.*

In that Liturgy, in the Proanaphora, as it is termed, is the Prayer of Incense. It is a supplication for the purification of the praise and prayer about to be offered. Subsequently, the Priest says: "O God, who didst receive the gifts of Abel, the sacrifice of Noah and Abraham, the incense of Aaron and Zechariah, receive also from the hands of us sinners this incense for a sweet-smelling savour, for the remission of our sins, and of all thy people, for thou art blessed, and to thee glory is due, Father, Son, and Holy Ghost, now and ever."

So, after the dismissal of the Catechumens, is the Prayer of Incense: "Purify our minds and our hearts, and receive from the hands of us sinners this incense, as thou didst receive the offering of Abel and Noah, and Aaron and Samuel, and all thy Saints, defending us from every evil thing."

And again, there is what is called the Prayer of Incense, at the last Entrance: "We thank thee, God and Saviour," etc., "and for the participation of thy Holy Mysteries, and we offer to thee this incense, praying thee to keep us under the shadow of thy wings."†

In Trollope's Edition of this Liturgy,‡ the text is given (iii., p. 30). He interprets the last clause to mean the entrance of the Priest within the rails of the Altar. The word *humiatos* is translated incense. The passage in which it occurs may, we submit, be thus translated: "The Introductory Prayer, on offering incense, upon entering within the rails."

It is to be noted that in this very ancient Liturgy, there is no censuring of objects or persons. Neither censuring nor the manual act are mentioned. It would seem as if the Spiritual Incense of the prayers and praise of the people

* Introduction, p. 21 ; Ed. Edinburgh, 1848.

† The above are taken from J. M. Neal's *Liturgies of St. James, St. Mark, etc.*, London. I have also examined Brett's translation of the Liturgy of St. James, which begins with the *Sursum Corda*.

‡ Edinburgh, 1848.

was all that was meant; but we are scarcely warranted in adopting this conclusion absolutely.

In other Eastern early Liturgies, the matter is made definite. In that of St. John Chrysostom, in the Rubric before the Prayer prefacing the Gospel, is the direction that the Deacon do cense the Holy Table in a circle, and the whole Sanctuary and the Priest. There was another to cense the Holy things.* So in the Coptic, the Priest was to go round the Altar and cense it, and the Gospel was to be censed before it was read.† There was a similar order in St. Mark's Liturgy.‡

The Roman Missal abounds with directions for cens-ing the Altar, the Priest, the Gospel thrice, and the Obla-tions.§

So in the Use of Salisbury, the Deacon delivered the Censer to the Priest, who incensed the middle and both corners of the Altar. Then the Priest was himself censed by the Deacon. So, after the Paten was placed upon the Corporal, the Priest censed the Sacrifice.

All such directions were omitted in the First Book of Edward. There is no word in it as to the use of incense.

Here, again, the argument is irresistible. As the Use of Sarum was a revision of the various Uses of the Kingdom, so the Book of 1549 was a revision of that Use, and of all others in force or resorted to in any part of the Realm. It was not an amended, but a complete substituted Ritual; and an omission, impossible not to have been designed, was prohibition.

And the argument is strengthened, if that were necessary, by the fact that such Book contains minute provisions for conducting the celebration—enumerates articles to be used—prescribes ceremonies to be observed. The Minister was to take the Bread and Cup into his hands. A Paten, a Chalice, a Cup or Cups, a Corporal, all known to the previous Formularies, were specified. The Book provided for

* Neal's Hist. Eastern Church, Vol. I., 345.

† Maskell, An. Lit., p. 7.

‡ Neal's Liturgies, p. 7. ¹

§ Ibid., p. 3, etc.

everything deemed necessary or fitting for the ministration of the Rite.

It was noticed by Sir Robert Phillimore that in many places of the Holy Writ, prayer is symbolized by incense ; that it was early in use among Christians, and was warranted in the Church of a primitive time. No doubt it was used in the Church of England before the First Book of Edward. It was not directed in that or in any other Book, Canon, Formulary, or Visitation Article since the Reformation. It was not necessarily subsidiary to the administration of the Communion. It was a distinct ceremony, additional, and not even indirectly incident to the Ceremonies ordered by the Book of Common Prayer.

This reasoning applies to our Revision with equal force. Our Compilers had the First Book before them, especially as to the Communion Office ; and they must be deemed to have rejected this practice as decisively as the framers of that Book rejected it.

We submit that upon every rational principle governing our Church, the practice is clearly indefensible.

§ 4. Bowing to the Altar. A practice has been adopted by some Ministers, and defended by a writer in the *Church Journal* of March 30, 1870, of bowing towards the Holy Table, upon coming in or going out of the Chancel. Some historical notices may be of value.

The Jews, upon entering the Temple, bowed towards the Mercy-Seat. The Christians of the Greek and Oriental Churches have had the custom, time out of mind, of bowing towards the Altar on entering, saying, "God be merciful to me, a sinner." This appears from the Liturgies of St. Basil and St. John Chrysostom. No Decree or Canon of any Council mentioned it, and it is supposed to have been derived from ancient tradition.*

We have here the primitive or early example of those private devotions before and after Service prevalent in every

* Bingham, iii., 195.

Church. As Dr. Bisse says : " The posture was towards the Altar, as the place allotted for the most solemn part of the Service."

Again, the custom was to face towards the East, and Churches were generally built with the Altar at the Eastern end. This was the reverse of the Temple arrangement, where the Holy of Holies was towards the Western end.

The Clementine Liturgy contains several directions as to the bowing of the Congregation at different parts of the Service, but nothing as to the bowing of the Priest.* But Eastern Liturgies abound with such directions.

Thus, in that of St. John Chrysostom, at the Prayer, " Send down the Holy Ghost upon us and on these proposed gifts," is the following : " The Deacon lays down the veil, and goes nearer to the Priest, and they both adore thrice before the Holy Table, praying secretly," etc. The order in the Liturgy of St. Basil is nearly word for word the same. In that of St. James, the Priest bends his head at a similar prayer.†

In Matins, according to the Roman Office, there was no direction for the Priest to bow at the beginning of the Service. But when the Gloria Patri was said, the Clergy and Choir were to turn themselves to the Altar, and bow reverently. So the Lector, before proceeding to the Lectern, shall make obeisance to the Altar. The words of Consecration being said, the Priest, kneeling, adores the Host, rises, shows it to the people, places it upon the Corporal, and again adores.

So, in the Use of Sarum, the Priest, at different parts of the Service, was to bow towards the Altar *inclinato corpore et junctis manibus*. He was also to bow to the Host.

All these and similar injunctions were omitted in the Book of 1549, which contained, however, many directions as to the posture and acts of the Priest, such as " standing

* Ap. Const., Chase's ed.

† Neal's Hist. Eastern Church, i., 570, 571.

afore the middle of the Altar," "standing at God's Board," "turning still to the Altar," etc.

By this omission, the bowing or prostration during the Communion Office clearly became unlawful; and this was so decided in the Machonochie case.

On the 25th of November, 1870, the Rev. Mr. Machonochie was brought before the Judicial Committee on a charge of violating the Monition issued to him. The Court say: "The next charge is his sanctioning kneeling, or prostration before the Elements during the Prayer of Consecration. Their Lordships having, on a former occasion, decided that genuflexion amounted to kneeling, Mr. Machonochie, with the same object which he always has had in view, of paying only the most literal obedience to the Monition, gave notice to his Curates, that he intended only to bow, without bending the knee; and this intention he and his Curates had carried out, by bowing down before the Table towards the Elements, and remaining some seconds in that position. Their Lordships do not regard a reverential bowing as an act of prostration, but the posture assumed for some seconds, was not mere bowing, but a prostration of the body in reverence and adoration. Mr. Machonochie should remember that the right of the Church to ordain Ceremonies is asserted by the 34th Article of Religion, and that none of the Ceremonies which he practises are prescribed by the Church." He was suspended for three months.

It is not possible to avoid associating the act of bowing to the Holy Table, when the Minister passes it, with the act of reverence during the actual Celebration.

We must recollect that the act, in the Oriental and Roman Liturgies, is an act of adoration, and repeatedly so termed. It may be that the Eastern Liturgies confined the worship to God. But this will not affect the argument from its plain liability to abuse, as the Roman Office shows. Its dangerous tendency has led to its disallowance. The principle and reason for its absolute interdiction during the Communion, interdict it also at any other time of the Service.

There are, however, other documents which should be examined. Archbishop Laud, in 1634, drew up a series of statutes for his own Cathedral. One of these directed the Deans, Prebendaries, and Officers to worship God by bowing towards the Altar at their coming in and going out of the Choir.*

Bishop Morton wrote a letter against the Sacrifice of the Mass, in which he says : "The like difference may be discerned between their manner of reverence in bowing towards the Altar for adoration of the Eucharist only, as ours in bowing as well when there is no Eucharist on the Table as when there is ; which is not to the Table of the Lord, but to the Lord of the Table, to testify the Communion of faithful Communicants."†

This may refer to no more than the act of reverence of the Congregation and Minister in their private devotions, upon entering or leaving the Church.

Bishop Montagu, in 1638, in his "Articles of Enquiry," has the following :

"Do your Parishioners, at their entrance within the Church doors, use that comely and decent deportment which is fitting for God's house? Do they uncover their heads ; sit bare-headed all Service time ; kneel down in their seats, bowing towards the Chancel and Communion Table, and use these several postures which fit the several acts and parts of Divine Service?"

We may next notice the Canons of 1640. The Seventh was entitled : "A Declaration concerning some Rites and Ceremonies. We commend to all good people, members of this Church, that they be ready to tender unto the Lord the acknowledgment of his goodness and greatness by doing reverence and obeisance, both at their coming in and going out of the said Churches, Chapels, or Chancels, according to the most ancient custom of the primitive Church in the purest times, and of this Church also for many years of the reign of Queen Elizabeth. The revival of the ancient

* Perry's Lawful Ornaments, 359, citing Collier. † Ibid., 360.

and laudable custom we heartily commend, not with any intention to exhibit any religious worship to the Communion Table, or the East, or the Church, or anything therein contained in so doing, or to perform *the said gesture in the Celebration of the Holy Eucharist* upon any opinion of the Corporal presence of the body of Jesus Christ on the Holy Table, or in Mystical Elements, but only for the advancement of God's Majesty. And in the practice or omission of this Rite we desire that the rule of Charity be observed; that they which use this Rite condemn not those who use it not, and they who use it not, condemn not those who use it." *

These Canons were at one time the subject of much controversy. Their legality has been denied. It is clear that they have grown obsolete, and are never referred to as part of the law of the Church at the present day. From the authorities referred to in the note,† I deduce—

That they were legally and Canonically passed by Convocation with the Royal assent. The assertion of the House of Commons that the assent of Parliament was requisite, as to the clergy at least, was grossly erroneous.

The illegality of the imposition of an oath by one of such Canons (a serious question) which induced the suspension of it by the King, could not invalidate the other Canons.

The objection that they had been passed after Parliament had adjourned, was overruled by the opinion of eminent lawyers, among whom was Lord Keeper Finch.

But the objection under the 5th Section of the Statute 13, ch. 2, cap. 12 (1661), is of weight. It is the judgment of Parliament, King, Lords, and Commons, that these Canons were illegal.

But without entering upon a nice question, we may certainly accept the testimony of Bishop Gibson, Bishop Bloomfield,‡ Archdeacon Sharp, the silence of such a writer

* Perry's Lawful Ornaments, 104.

† Codex, ii., 956, and note; Cardwell's Suyd., p. 402; Carwithen's History, p. 104, 112, 114; Joyce's Sacred Synods, 671-5.

‡ Charge of 1842; apud Robertson's "How to Conform."

as Burns, the absence of a reference to them as authority in any decision of courts, as proving that they have no binding force in the Church of England.

But what does the Canon amount to? It is a commendation of a practice, and not a rule. The omission is recognized as lawful. There is an admission of a disuse for a long series of years.

The framers of the Canon were so conscious of the construction which might be put upon the practice, that they sedulously guard against the conclusion that it implies adoration of the Corporal presence.

There are some other authorities which have been invoked to defend the practice. For instance, that of Jeremy Taylor, in a Tract called "Reverence to the Altar;" and in his Office for the Administration of the Lord's Supper.* The whole passages amount only to a commendation of bowing, kneeling, etc., as acts of devotion generally, so long as the people apply them to God.

The passages from Lathbury and Joseph Mede are vindications of the custom of worshipping towards the Altar on entering the Church. We do not say that the language may not include more; but more is not definitely stated or defended.

But the citations from Bishop Andrews (1625) are of a more decided character. No doubt he appears here to sanction this practice. But he seems to sanction much more. He does not use the phrase "bowing," but "adore." "The Bishop ascends with treble *adoration*, and kneels down," etc.†

Mr. Robertson remarks, that these notes of the Bishop are not evidence of the custom of the time, nor even of his own practice, but either suggestions of what he thought ought to be, or memoranda from some other formulary for consideration.‡

Very slight, indeed, is everything which can be adduced

* Works, Vol. III., 818.

† Notes in Appendix to Nicholl's Commentary.

‡ How to Conform, p. 17.

in support of the action. On the other side, the rule is sound, legal, and wise, which limits the gestures of the Minister (particularly in this solemn Office) to what the Church has distinctly directed or allowed, or is necessary and fitting to carry out what is prescribed. From the Book of 1549 to our own inclusive, bowing to the Altar is thus excluded by unanswerable reasoning. And there is no Canon or formula of the Church of England which can be cited as of force to modify this rule. The kneeling with the face towards the Holy Table, at the commencement of service for private devotion, is open for Minister and people. It is not the action referred to and not illegal.

§ 5. *Lights on the Altar.* Sir Robert Phillimore, in the *Machonochie* case (1868), held that the placing of two lighted candles upon the Communion Table during the Service was lawful. He sums up his argument thus: "Inasmuch, therefore, as I think that the Injunctions which allowed these two lights were issued under statutable authority, and have not been directly repealed by the like authority; inasmuch as they are not emblematical of any Rite or Ceremony rejected by our Church at the time of the Reformation; inasmuch as they are primitive and Catholic in their origin, Evangelical in their proper symbolism, purged from all superstition and novelty by the very terms which ordered their retention, I am of opinion, that it is lawful to place two lighted candles on the Holy Table during the time of the Communion, for the signification that Christ is the true light of the world."

The Judicial Committee on Appeal reversed this decision. The grounds were—

(1.) The Court inclined to concur with the Court below in treating such lighting of candles as a Ceremony. If a Ceremony or Ceremonial Act, it was not, nor is any Ceremony of which it forms a part, among those retained in the Prayer-Book, and must therefore be included among those that are abolished; for the Prayer-Book, in the Preface, divides all Ceremonies into those two classes. Those which are retained are specified, whereas none are abolished

specifically or by name ; but it is assumed that all are abolished which are not specifically retained. The Formula "Of Ceremonies" is referred to.

(2.) The Act of Uniformity of Elizabeth made it penal to use any other Rites, Ceremonies, Forms, or Order, or manner of celebrating the Lord's Supper than is set forth in such Book.

(3.) The controlling principle of decision is thus stated : "The rule on this subject has been already laid down by the Judicial Committee in *Liddell vs. Westerton*, and their Lordships are disposed entirely to adhere to it. In the performance of the Service, Rites, and Ceremonies ordered in the Prayer-Book, the directions contained in it must be strictly observed. No omission and no addition can be permitted."

It is remarked, that while the candlesticks and candles upon the Table fall within the definition of Ornaments, the act of lighting the candles during the Service is a Ceremony or Ceremonial act forming part of a Ceremony. The directions in the Use of Sarum were : "That the Taper-Bearers should place the candlesticks with tapers, on the step of the Altar." They are mentioned in various parts of the Use. In the Roman Missal the order was, "That a cross be placed above the Altar in the middle, and that there be two candlesticks on each side with lighted candles."

The Book of 1549 omitted these directions, and contained nothing of a similar character. Here it is important to notice the Injunctions of Edward VI., issued in 1547, and referred to by Sir Robert Phillimore : "All Deans and other Ecclesiastical persons shall suffer from henceforth no torches, nor candles, tapers, or images of wax, to be set before any image or picture, but only two lights upon the High Altar before the Sacrament, which, for the signification that Christ is the true light of the world, they shall suffer to remain still."

The following argument seems conclusive. Admitting the statutory obligation of the Injunctions when passed, the Book of 1549, adopted by Church, Crown, and Parliament,

superseded them. Upon the principle we have advocated, that they did not spring from, nor even had the direct concurrence of, the Church, their illegality is clear. But, on the theory of their validity, they became abrogated by the comprehensive provisions upon the whole Ceremonial in the Book of 1549, and the omission.

And, as has been justly urged by Cardwell and Procter, subsequent Injunctions and Visitation Articles attest strongly to the received construction of the Prayer-Book. One was as follows:

"Item for a uniformity, that no Minister counterfeit the Popish Mass, as to kiss the Lord's Table, shifting the Book from one place to another . . . or any setting any light upon the Lord's Board at any time; and, finally, to use none other Ceremonies than are appointed in the King's Book of Common Prayer, or kneeling otherwise than is in said Book." *

Ridley in 1550,† Hooper in 1551,‡ set forth similar injunctions; and Cranmer, in 1551, classes the lighting of candles in the Sacrament as among Popish abuses. §

No doubt lighted candles were used upon the Altar in Elizabeth's Chapel, to the grief and against the remonstrance of the Bishops. Traces of their being used in Cathedral and other Churches are also to be found. || We may explain this by adverting to the erroneous construction of the Rubric as to Ornaments, by which the test was made what had been *used* in the second year of the reign, not what had been retained to be used, by Act of Parliament passed in that reign.

In truth, the argument against the practice is stronger without the Rubric as to Ornaments than with it; and is, therefore, stronger in our own Church than in the English. The Book of 1549 forbids it by the clearest implication. No subsequent Formulary of any kind allows it. Cotemporary usage and authority condemn it. And our Communion Office is that of 1549, recognized and revised.

* Procter, 26; Cardwell, Doc. Ann., i., 63.

† Perry, Law. Orn., 6.

‡ Ibid., 7.

§ Procter, p. 70.

|| Perry, *passim*.

But it has been claimed that such Altar lights during Divine Service are warranted by the primitive usage of the Church. Bishop Hopkins says: "Candles and lamps are stated by Bingham to have been used universally." Our author, on the authority of Jerome, allows, "that candles were lighted by day as well as by night." He regards this, however, as an innovation, because it was the primitive use in the nocturnal assemblies held for fear of persecution." But Jerome says, that, "although there was no order in the Church to favour the lighting of candles by day, yet the custom was tolerated in some places, and was quite free from idolatry." *

The Bishop proceeds: "Our author" (Bingham) "thinks that it was positively forbidden by the Council of Elliberis in the Canon, 'let no one presume to set up lights in the daytime in any Cemetery or Church; for the spirits of the Saints are not to be molested,' from whence, saith he, it is evident that the contrary custom must be new, though prevailing both in the East and in the West, in the time of Paulinus and St. Jerome."

"Here, in my judgment," says Bishop Hopkins, "the learned Bingham reasons very badly. The Council of Elliberis was not of sufficient importance to represent the Church at large; and in the Canon to which Bingham refers, the reason assigned is so preposterous as to stultify itself. For who, in his sober senses, believes that the lighting of candles during the day or night could molest the spirits of the Saints? It is notorious that both in the Roman and Oriental Churches it is universal, and has been so, at least in the Eastern Churches, from the earliest antiquity."

There are other passages in Bingham, bearing upon the subject, not quoted by the late eminent prelate. Thus: "St. Jerome speaks of it as tolerated in some places to satisfy the ignorance and weakness of some secular men; and all he offers in justification of it is, that it was not

* Law of Ritual, etc.

idolatrous, as Vigilantius had strongly charged it to be." He cites Lactantius as follows: "Therefore the heathen sacrifice full-grown victims to the gods, as if to one hungry, and pour forth wine as to one thirsty, and they kindle lights as to one abiding in darkness." He shows that Vigilantius, writing about the time of St. Jerome, had declared the practice idolatrous. We may here notice that Harding, in his controversy with Jewell, had said: "Ye raise up the heresy of Vigilantius in refusing to keep lights in Churches to the honour of God." Jewell replied by quoting passages to prove that lights were not used in the Ancient Church in the day as Harding had asserted.*

It appears from St. Jerome's works in the *Patrologia Completus* (vol. xxiii., p. 338), that Vigilantius was of Barcelona, and was spoken of as well skilled in language, though not in the sense of Scripture. Erasmus, speaking of St. Jerome's attack upon him, says: "It is to be wished that St. Jerome had given argument, and spared railing." Vigilantius denied that the Martyrs or their relics were to be worshipped, or their sepulchres watched. He held that they could not be aided by the prayers of the Faithful, nor affected by earthly necessities. He called the ceremony of lighting tapers at the Communion, or upon reading the Gospel, a rite of Pagan superstition.†

St. Jerome's tract, stated to have been written in 406, has this heading: "Why are lights kindled at the Gospel? Why are tapers burning in the Church?" and his reply commences thus: "We do not light tapers in clear light, as you to no purpose accuse us, but that we may lessen with this comfort (*solatio*) the shades of night; and we watch by the light lest we should sleep in the darkness as blind as you. If some, from the ignorance and simplicity of secular men, do this for the honour of Martyrs, can you call such idolatrous? But even without the Relics of the Martyrs, throughout all the Churches of the East, when the Gospel is read, lights are kindled even while the sun is shining; not to dispel darkness, but as a sign of rejoicing."‡

* Defence of the Apology, 12, 19, 21.† *Patrologia Completus*.‡ *Ibid*.

And as to the Council of Elliberis, we notice that Bishop Whittingham, in a note to Jewell's Apology, says that its Canons have acquired a greater degree of celebrity than is usual for those of Provincial Councils.* It was composed of nineteen Bishops, among whom was Hosias, and twenty-six Presbyters.† The term Cemetery only is used in the Canon, but that became a name for a Church, from the fact of Churches being frequently erected over burying-places, which had served for the worship and witnessed the death of Martyrs.

We are so unwilling to suppose that the nineteen Bishops and twenty-six Presbyters of this Council were so senseless, and gave such absurd reasons for their acts, as Bishop Hopkins supposes, that we venture to suggest an explanation. The spirits of the dead, in classic legend (the reflex of popular belief), were permitted to revisit the earth. The shade of Dido was to haunt Æneas everywhere.‡ The Christians might gather a similar belief from the supplication that Lazarus might be sent to the sufferer's brethren. Imagination would readily assign for the haunts of Martyr Spirits the Cemeteries and Churches in which they had worshipped or suffered. It was this superstition which we may suppose St. Chrysostom and St. Augustine sought to dispel, when they taught that these appearances were not the souls of departed Saints, but of demons who had assumed their forms.§ But the shades of the heathen flitted through the woods, by a beguiling light, under an uncertain moon.|| Hence did Lactantius contend, that the souls of Christian Martyrs needed not the lights to their path which those of the heathen wanted; and hence the Council of Elliberis

* Standard Works, ed. 1851, N. Y.

† Dr. Pusey's Councils, p. 295.

‡ Æneid, iv., 385.

§ Sir Thomas Brown's *Religio Medici* has suggested this view, vol. ii., p. 380. He cites the two Fathers above named. I have examined the Homily, in *Matheum*, which he quotes.

|| Quale per incertam lunam, sub luce maligna,
Est iter in sylvas.—*Æneid*, Book VI.

declared that the Saints would be disquieted by an act which supposed that they were groping in darkness, and not revisiting earth in light serene.

So the law of Elliberis stands as a decided prohibition, and the reason given for it is such as would spring from the pious figment that the souls of the departed were present at the devotions of the Church.

The result is, that for Lights of any kind burning during Divine Service in the day, especially Lights on the Altar, we have in the early Church some clear authority forbidding them, and very slight authority defending them. That the practice was perhaps universal in mediæval ages under Romish usurpation is of course an argument against it. Most clearly is it prohibited by the law of the Church of England and our own.

The late English decisions upon the Elevation of the Elements will first be noticed.

In *Flamach vs. Simpson*, the latter was charged with having, in the Celebration of the Communion, after the Prayer of Consecration, raised the Paten with both hands over his head, and the Cup in like manner. It was alleged that such elevations were unlawful additions to, and alterations of, the form and order prescribed in the said Book of Common Prayer, etc. The answer admitted that he had done so during the Prayer of Consecration. The decision was, that such elevation was clearly unlawful.

In the case of *Martin vs. Machonochie*, decided at the same time, the defendant admitted that a similar elevation had been practised by him, but stated that he had discontinued it under legal advice, and in compliance with the wish of the Bishop and resolution of Convocation. He denied that the practice was unlawful. Sir Robert Phillimore, in the Court of Arches, examined the question at length, adjudged the practice to be illegal, and admonished the party not to resume it.

This part of the sentence was not appealed from, and the Monition which followed the decision of the Judicial Committee directed Mr. Machonochie, among other things, to

abstain from the elevation of the Paten or Cup during the administration. At a subsequent time, being charged with disobedience of the Monition, it was held that the charge of lifting it above the head was unnecessary, for the 28th Article of Religion prohibited all elevation. Afterwards Mr. Machonochie permitted others to elevate, as charged, and the Court repeated, that they had taken care to give no sanction whatever to the notion that any elevation of the Elements (as distinguished from the mere act of removing them from the Table, and taking them in the hand) was sanctioned by law.

In absolute strictness, nothing but an elevation above the head is judicially condemned. Yet it is an absolute certainty that, in principle, every such act is illegal except what is just sufficient to take the Paten or Cup in the hands.

Mr. Neal's statement of the practice of the Eastern Churches is this : After the words "Holy things for holy persons," *Sancta Sanctis*. Here, also, in all the Eastern Liturgies is the Elevation of the Host, which in the Roman Missal follows the words of Institution, and in the Mozarabic, comes between the Prayer *Post Pridie* and the Nicene Creed. "The difference in the time of Elevation in the Eastern and Western Churches, has given occasion to some writers (such as Geddes) to affirm, that the Host is not elevated at all. The testimonies of Gabriel of Philadelphia, of Cabasilus, and Simeon of Thessalonica, are clear on the point, for their respective times and countries. The elevation is less marked than it is in the West. It resembles the way in which, according to the Carthusian Rite, the Chalice is elevated. The elevation in High Mass, at which I was present, was scarcely perceptible."*

Mr. Trollope observes : "It may be inferred that the Prayer of Elevation is a spurious addition to the Liturgy, even if it were not historically certain that no elevation took place in the primitive Church. Moreover, it is want-

* Hist. Eastern Church, Vol. I., p. 517.

ing in the Syriac, and no notice is taken of it in the Exposition from Cyril.*

In the Liturgy of St. James, after the words, "in the night in which he was betrayed," follow: "Here the Priest takes the Bread in his hands." . . . Then he takes the Cup and saith: "Likewise, also." . . . Then he elevates. In that of St. Basil, we have: "He took Bread," etc., *the Priest raising his right hand*, shows the Holy Disk (Paten), saying, "And gave it to his Disciples." Likewise, also, etc., *he raises his right hand*, and shows the Chalice. In the Liturgy of Theodore the Interpreter, it is: "*Then, taking the Oblation in both hands, he looks up, and saith.*" In the Armenian, the Priest lifts up the Sacrifice before his eyes, and says: "The Holy of Holies."

It may, perhaps, be justly said that in these Eastern Liturgies there is no proof of an elevation for the purpose of Adoration. Mr. Freeman observes, that the semblance of worship in them is never found immediately after Consecration, as it logically would be, and as it is in the Roman Missal; and next, and most important, that it is not an adoration at all of the Elements, or the presence in them of God or Christ on earth, but was addressed to God or Christ in heaven.†

The elevation, as now developed in the Romish Church, was not known before the Eleventh century. This, Mr. Palmer states, is admitted by Roman Catholic writers, among them Cardinal Bona.‡ And the Bishop of Brechin concedes that it is only when we come to mediæval times that the practice was recognized, as in the *Speculum Ecclesie*, 1136.§ Lynwood, writing in 1430, has this gloss: *Elevation*, which is made that the people may adore it.

In some Formularies where it was directed, the object was stated to be that the people might be led to pray, to

* Trollope, Lit. of St. James, p. 103, n.

† Freeman's Principles, etc., ii., 1, p. 84, 169.

‡ Vol. I., p. 311.

§ Exp. of 39 Articles, Vol. II., p. 570.

increase their faith and inflame their charity. The Synod of Cologne, in 1536, declared that the duty of the people at the Elevation was, to remember the Lord's death, and to return him thanks with minds raised to Heaven.

But the Church of Rome finally ordered that the people and the Priest should adore what had been the Elements merely, but had become, by consecration, the actual and absolute Body and Blood of Christ. The Elements were annihilated; and worship could therefore be paid, and was truly paid, to God. It was allowed there would be idolatry if there was not this annihilation.*

Mr. Freeman shows that none of the old English uses contained any such adoration. The written and authorized Ritual had no such claim. While a fitting reverence was directed or permitted, it was distinct from worship.

This is markedly true as to the Sarum Use. After the words, "This is my Body," the direction is: "The Priest shall raise the Host above his forehead, that it may be seen of the people;" and as to the Cup, "that he raise it up to his breast, or above his head." At a subsequent part of the Office, just prior to his own Communion, the Priest says certain prayers, privately, holding the Host in his hands. Among them is this: "God the Father, Source of all goodness, who of thy mercy didst will that thine only Son should descend for us to this lower world, and take our flesh, which I unworthily here hold in my hand (*here let him bow toward the Host*), thee I adore, thee I glorify, thee with all desire of heart I praise, and pray thee not to forsake thy servants, but to forgive our sins."

There is an approach to Romish doctrine in the words, "which I unworthily hold in my hands;" but the worship is clearly addressed to God the Father. The subsequent prayer to God the Son strengthens this view.

The proposition that the English Uses did not countenance the adoration, receives confirmation from some of the

* Principles of, etc., ii., p. 171, n. The Sixth Canon of the Thirteenth Session of Trent (1561) commands the worship.

Formularies. I cite three cases of a marked and interesting character.

“That Housel, which is now hallowed to-day, is altogether as holy as that which was hallowed on Easter Day. *That Housel is Christ's Body, not corporally, but spiritually*; not the Body in which he suffered, but the Body of which he spake when he blessed Bread and Wine for Housel one night before his Passion, and said of the Bread blessed, ‘This is my Body,’ and of the Wine blessed, ‘This is my Blood.’ Know now that the Lord, who was able to change the Bread into his Body before the Passion, and the Wine into his Blood *in a spiritual manner*, he himself blesseth the Bread and Wine by the hands of his Priests, into his spiritual Body and Blood.” *

“The Sacrifice of the Eucharist is not our Saviour's Body in which he suffered for us, nor his Blood which he shed on our account, but it is made his Body and Blood *in a spiritual manner*, as the manna which fell from the sky, and the water which flowed from the rock.” †

“Let not the Priest say Mass alone without some one to make responses to him.” ‡

In the year 1281, in Peckham's Constitutions, the Romish tenets were developed, yet still in a mitigated form. They progressed and became more defined and unqualified until, in the Fourth Article of 1536, the Romish dogma is found in its extreme form.

That dogma is stated by the Council of Trent thus: “If any man shall deny that in the Most Holy Sacrament of the Eucharist, there is contained truly, really, and substantially, the Body and Blood, together with the Soul and Divinity, of our Lord Jesus Christ, and therefore the whole of Christ, but shall say that they are only in it, as in a sign or figure, or in efficacy (*virtute*), let him be accursed.”

* Elfric's Canons, A.D. 957; Johnson, *Ecc. Laws*, i., 405.

† Elfric, Pulta's Letter to his Clergy about A.D. 1000; Joyce's *Sacred Synods*, p. 193.

‡ Canons of Edgar, A.D. 920; Johnson, i., p. 119.

Again : "Wherefore there is no room for doubt, that all the faithful in Christ may render, in veneration, the worship of *Latria*, which is due to the true God, to this Most Holy Sacrament." *

And the Rubric, in close alliance with the tenet, is as follows : "The words of Consecration being uttered, immediately kneeling down, he adores the consecrated Host (*hostiam consecratam genuflexus adorat*) ; rising, shows it to the people, replaces it upon the Corporal, and again adores." There are similar directions after the words, "this is my Blood."

In the Order of the Communion of 1548 the forms of the Mass were retained as to the consecration of the Bread, and there was a direction to consecrate the Wine in the biggest Chalice, or some convenient Cup or Cups. Then followed the Office for administering to the people. But the Rubric, as to a further consecration of Wine (if it did not suffice), ordered that it should be without any elevation or lifting up.

And then, in the full Office of 1549, we have in the Consecration Prayer, marginal directions as to taking the Paten and Cup into the hands, nearly the same as our own ; and after the Prayer is the Rubric : "These words, before rehearsed, are to be said turning still to the Altar, without any elevation, or showing the Sacrament to the people." The elevation forbidden was therefore something distinct from that slight lifting which would accompany the taking the Paten or Cup into the hands.

This Rubric was omitted in the Book of 1552, and in all the subsequent Books. It has been argued, that the effect of such omission was to restore the practice. (*Shipley's Liturgies of 1549 and 1662 Contrasted*, 524.) And when the Committee of Convocation, in 1866, reported the elevation to be unlawful by force of the Rubric itself, Dr. Littledale, in a letter to the *Guardian*, took the ground that the omission revived the practice, by working a repeal of the Rubric.†

* Session XIII., Cap. 5.

† See the Letter, *Church Journal*, Oct. 10, 1866.

There are two answers to this view—each decisive. The first is the argument so often urged by us, that the First Book is recognized and continued in force, in every particular, except where it is expressly, or by plain inference, varied. There is not a word in the Second or any subsequent Book expressly repealing, or equivalent to a repeal of the Rubric. There is not an inconsistent provision. We cannot imagine that the Revisers of 1552 intended a restoration of the practice. They were more favorable to the views of the foreign Reformers than their predecessors, if not influenced by them directly.*

But *next*, in the same year (1552), it was declared in the 25th Article then adopted by Convocation, “that the Sacrament of the Lord’s Supper was not by Christ’s Ordinance reserved, carried about, lifted up, or worshipped.” Our own Article is the same.

Dr. Littledale says of this part of the Article, “that it has no prohibitory force. It is simply an historical statement which does not deal with Ritual, and which does not even condemn those who adopt a different view of the facts of the case.” Carrying out this view to its practical result, the *Directorium Anglicanum* provides: “Then rising, the Celebrant should at once elevate it with the first finger and thumb of both hands, *for the worship of the faithful*, while he is saying, ‘Do this in remembrance of me.’”

Thus, upon this construction of the Article, though the Church affirms it to be an historical fact deducible from the Scriptures, that Christ did not order the Elements to be lifted up, yet any one is at liberty to deny this deduction to be rightly drawn; to say that the fact is otherwise; or at least that by the Institution the act is permissible.

But others are more guarded in their propositions. Among them is one whose name can never be mentioned without a reverence of the heart. John Keble observes: “Such Ceremonies are and may be omitted without breaking our Lord’s enactment touching the Eucharist. The

* See Procter, p. 38.

Church might leave them out, and yet leave the whole of his Institution untouched. Such is really the whole amount of the prohibition so far as this sentence is concerned." * I gather from his remarks that he admits, not merely that a Church could omit such Ceremonies, but that the Church of England has in the Article declared her intention to omit them. Dr. Pusey, at any rate, allows this.†

But the Bishop of Brechin goes further. He says: "The Article does not prohibit the practices mentioned, but merely states that the reservation, elevation, and adoration of the Sanctissimum is no part of Christ's Institution."‡ That is, Christ did not prescribe such acts as part of the Institution. A Church could order or forbid them. The Church of England has not forbidden them in the Article. They were in use before. Therefore they are permissible now. This is exactly contrary to Dr. Pusey's view, and, as I understand, to that of Mr. Keble.

Some other Formularies will throw light upon the subject.

In the Rubric after the Communion, adopted in the same year as the Articles, in noticing the Order to kneel, it is said: "We do declare that it is not meant thereby that any adoration is done or ought to be done, either unto the Sacramental Blood or Wine, or to any real or essential presence there being of Christ's natural flesh or blood."

And the *Reformatio Legum* closes a passage upon Transubstantiation, thus: "Therefore we do not suffer this Sacrament *to be raised on high*, nor to be carried about (*in agros*), nor to be preserved for to-morrow, nor to be adored; finally, we render no greater worship to the Eucharist than to Baptism and the Word of God." §

The *Reformatio Legum* was framed about the same time as the Articles, and was the work of nearly the same hands. It is a valuable contemporaneous exposition of the Articles and their intent.

After all this, no one can deny that the Article meant to

* On Eucharistic Adoration.

† Real Presence, p. 312.

‡ Exposition of the 39 Articles, ii., p. 566. § Hardwick on the Articles, p. 362.

condemn the worship of the Elements. If it prohibited the worship, it as clearly forbade the elevation. The language is just as peremptory for the one as for the other.

One gross error of Dr. Littledale is pointed out by Mr. Robertson. The former quotes the Impeachment of Bishop Wren, to prove that he elevated the Bread and Wine at the Communion so high as to be seen over his shoulders, bowing low either to or before them, when he, after the elevation and Consecration, had set them down upon the Table. The *Hierurgia Anglicana* is cited.

Mr. Robertson* cites Wren's "Penetralia," containing his defence, in which he says: "He denieth that he ever did use any elevation of the Bread and Wine, much less that he made any so high that they could be seen over his shoulders, whereof abundant testimony may be had (he nameth five). He saith, that repeating the words of Institution, he took the silver plate wherein the Bread was into his hands, but *then he never lifted* his hand from the Table whereon it rested, and no otherwise did he with the Cup; whereas, in the Popish Church, the Use is He doth faithfully and totally adhere to the Article of the Church of England, that the Sacrament is not to be carried about, lifted up, or worshipped."

We have here the clear testimony of a Laudian Bishop, not merely as to the practice, but as to the sense and meaning, of the Article.

The result is this. We have the close union of the act of Elevation with the worship flowing from the dogma of Transubstantiation. We have the absolute condemnation of that dogma in the 28th Article, and other Formularies of the Church. The English Court has construed the Article as forbidding any Elevation, except the slight one attending the taking of the Paten and Cup into the hands. The practice is condemned by formulary, reasoning, authority, and Church truth. Its illegality cannot be questioned.

* "How to Conform," and Appen., 397-8.

§ 7. The Material
of the Table.

The question of the material of the Holy Table is one of some difficulty. Sir Herbert Fust, in *Faulkner vs. Lichfield* (1 Rob. Ecc. Rep., 184), decided, that a fixed stone Table was unlawful, and ordered its removal, and the substitution of one of wood and movable. In *Liddell vs. Westerton* (Ecc. Judgments, 150), the Judicial Committee sanctioned his decision, observing, that they had at first some doubts whether the law had prescribed of what material the Table should be made; but on further consideration, they were satisfied with the opinion expressed by Sir Herbert Fust.

The Bishop of Ohio, as is well known, refused to consecrate Churches in which the Holy Table was of stone. The practice throughout the country is far from conforming to these views. Tables of stone are common in many Dioceses.

The earliest trace, I believe, of a prescribed Altar for the Israelites is in Exodus, xx. 24, 25. The Altar was to be of earth, yet stone was allowed, but it was not to be hewn, and steps to it were forbidden. Such, also, was probably the Altar under the Hill, with twelve pillars, to represent the twelve Tribes mentioned in chapter xxiv. 4. The Table of Shew-Bread, directed in the 25th chapter, v. 23, was made of shittim-wood and movable, with rings for staves to carry it. It is not called an Altar. (See a description and Plates. Calmet, *Bread*.)

The Altar of Burnt-Offering is ordered in the 27th chapter, v. 1, etc. It was towards the East end of the Court, fronting the entrance to the Tabernacle, and was made of shittim-wood. It had rings, through which bars were put, that it might be carried on the Priests' shoulders.*

From the 18th verse of chapter xxix. it appears that the ram was burnt upon this Altar. Dr. Jennings explains how this, as well as the command that the fire should be continually burning, is consistent with the main structure being of wood.†

* Jennings' Jewish Ant., 300; Calmet, Tit. Altar.

† Ibid.

Then, in chapter xxx., is the order to make an Altar of shittim-wood, to burn incense upon.*

But the Altar of Burnt-Offerings in the Temple of Solomon, was a mass, a cube ten feet in height, covered with thick plates of brass, and filled in with rough stones. In Chronicles (chapter iv. 1) it is only said, that Solomon made an Altar of brass. But from 1 Maccabees, iv. 43-47, it appears that the stones which had been defiled were removed to an unclean place, and laid up in a part of the mountain of the Temple, until a Prophet should come to tell what should be done with them. And they built a new Altar, with whole stones, according to the former.†

Thus we find that in this, the beginning of the regulation of God's worship, earth, wood, stone, and metal were used; and gathering all together, we may conclude, that the devotions ascending from Altar or Table of either material, were acceptable.

Wooden Altars were in use among the Syro-Jacobites until the year 900, at which time a Synod "decreed that in all places which are in the enjoyment of perfect peace, and where the Altars can be guarded with safety, they should be fixed. And it was forbidden to celebrate on wooden Altars." The injunction, however, was not universally observed, and even to this day wooden Altars are not uncommon among the village Churches of the Syro-Jacobites. Indeed, the Rubric for Consecration of an Altar allows them. "In the first place, let a Table, *i. e.*, *mensa*, be prepared, of chosen and precious wood, or marble, or of some other stone.‡ St. Austin mentions the murder of the Bishop of Bagaja, by the Donatists, with the wooden fragments of the Altar." Athanasius, also, as quoted by Bingham, attests to the prevalence of wooden Altars. Gregory Nyssen, A.D. 372, speaks of a stone Altar: "This Altar whereat we stand is by nature only common stone; but after it is consecrated, it becomes a holy Table," etc. In the Council of Epaunense,

* See the Description in Calmet.

† So the Temple of Herod was of stone: Calmet.

‡ Neal's Hist. East. Church, 181.

France, A.D. 509, it was decreed that no Altars be consecrated but such as were made of stone.*

Simeon of Thessalonica (1410) says: "The Altar is of stone, because it represents Christ, who is called the Rock and the Head of the corner, and the Corner-stone, and because the Rock represented this Table which gave drink to Israel of old.†

Cardinal Bona thinks that, even in the times of persecution, both wood and stone were used as occasion served. Others think that stone came to be employed about the time of Constantine. Mr. Blunt cites William of Malmshbury to prove that wooden Altars were in general use in England, and that Wulstan, Bishop of Worcester, in the Eleventh century, directed them to be of stone in his Diocese.‡

One of Lanfranc's Canons at Winchester (1071) ordered the Altars to be of stone.§

It cannot be doubted that, under the English Use of Sarum and other Uses, stone continued to be the material. And this was also the case under the Book of 1549. The Court, in *Liddell vs. Westerton*, in substance admit this. So the question legally, upon the principles we assert, is this: Has the Church, by any act, changed this rule?

We pass over, therefore, as possessing only the force of opinion, Ridley's and Hooper's injunctions as to the removal of Altars and substituting Tables, the order of Council of 1550, and the injunctions of Elizabeth of 1559. It may be noticed that the latter speak of the matter as of no great moment, so that the Sacrament be duly and reverently ministered. We pass over, also, the advertisements of 1565, and the views of many high in the Church, approving and enforcing the change in order to remove from the popular mind, as effectually as possible, the superstition of the Romish Mass. The inquiry rigorously is, What has the Church enacted?

The Canons of 1571 are the earliest provisions which

* Bingham, viii., 6, 15; Vol. III., 94.

† Ann. Prayer-Book, 458.

‡ Neal, *ut supra*.

§ Johnson, 2, 8.

upon this point can be referred to.* The Third, as to Church Wardens and Sydemmen, directed, among other things, "that they shall see there be a fayre-joined table,"† which may serve for the administration of the Holy Communion.

It is admitted that in England these Canons had no binding authority, not having received the royal assent.‡ But, what is of vastly more importance, they were not agreed to by the Lower House of Convocation.§

The Canons of 1603 are next to be referred to. The 82d Canon was: "Whereas, we have no doubt but that in all Churches within the Realm of England, convenient and decent Tables are provided and placed for the celebration of the Holy Communion, we appoint that the same be kept, etc., and covered, etc., and so stand, saving when the Holy Communion is to be administered; at which time the same shall be placed in such good sort in the Church or Chancel as thereby the Minister may be more conveniently heard of the Communicants in his prayer and ministration, and the Communicants also more conveniently and in more numbers, may communicate with the said Minister."

It is obvious that, from this Canon, any argument drawn against the material being stone, must be from its greater weight, making the moving of it more difficult, which convenience might sometimes require. We may note that an Altar was not always of the form of a coffer or tomb. A stone slab, supported by a single column or pillar, was such also.||

The next Act of Convocation which relates at all to the subject is a Canon of 1640 (the Seventh), although it does not mention the material.

It declares "that the standing of the Communion Table sideway under the East window of every Chancel or Chappel

* Perry's Lawful Orn., 245.

† *Mensa ex asseribus composite juncta.*

‡ Liddell vs. Westerton.

§ Joyce's Sacred Synods, 573; Strype's Parker, 322.

|| Bingham, iii., 96.

is in its own nature indifferent, neither commanded nor condemned by the laws of God. And albeit at the time of reforming this Church from the gross superstition of Popery it was carefully provided that all means should be used to root out of the minds of the people both the inclination thereunto and the memory thereof, especially of the idolatry committed in the Mass, for which cause all Popish Altars were demolished.—Yet it was then ordered by the injunctions and advertisements of Queen Elizabeth, that the Holy Tables should stand in the place where the Altars stood, and have accordingly been continued in the Royal Chappels, and in most Cathedrals, and in some Parochial Churches, which doth sufficiently acquit the manner of placing such Tables from any illegality or unjust suspicion of Popish superstition or innovation. Therefore we judge it fit and convenient that all Churches and Chappels do conform themselves in this particular to the example of the Cathedral or Mother Churches, saving always the general liberty left to the Bishops by law, during the time of the administration of the Holy Communion. And we declare that this situation of the Holy Table does not imply that it is, or ought to be, esteemed a true and proper Altar whereon Christ is again really sacrificed; but it is and may be called an Altar by us, in that sense in which the primitive Church called it an Altar, and in no other.”

Now this Canon is valuable in showing that the place of the Table was the place of the former Altar (the Eastern end), and had been, by custom, even in some Parish Churches, so retained. It directs general conformity to the practice of the Cathedral or Mother Church, saving the power of the Bishop when a change was proper. And it claims another sense for the term Altar than that on which Christ is again sacrificed.

The legal position of these Canons in England is before treated of (*ante*, § 4), their probable illegality and obsolescence. But we quote them as indicating the mind of the Church, and as historic evidence.

There is much cotemporaneous evidence to show that

about this period the custom was common, and was enjoined by Bishops, of having the Table at the Eastern wall, with the ends North and South, and fixed, unless specially otherwise permitted.* The practice has become almost universal.

We are justified in saying that no authoritative Act of the Church of England has forbidden the material to be of stone, and the sanction or permission in the Book of 1549 is not annulled.

The argument based upon the symbolism of Doctrine is that chiefly relied upon in *Liddell vs. Westerton*. The opinion certainly may be regarded as an able epitome of one view of the question. The doctrine of the Romish Church and of the Reformation is contrasted. The distinction between the Altar and Communion Table is declared essential, and founded on the most important difference in matters of faith. The Altar was the place on which the sacrifice was to be made; the Elements were to be consecrated, and being so consecrated, were treated as the actual Body and Blood of the Victim. The Reformers, on the other hand, considered the Holy Communion, not as a sacrifice, but as a feast, to be celebrated at the Lord's Table. . . . The Roman Catholic Altars were constructed with a view to this doctrine of Sacrifice. *Nunquam extra altare hostiam immolari*, is a strong passage of a Roman writer adduced in proof.

I do not presume to enter upon this subject in its theological bearing; but, as a matter of regulation, this may be observed. Beyond a doubt, the terms Altar and Table were, for a long series of years, in the earlier Church applied to designate the same thing, and the former term was probably the only one used for the first ages. The word Table came to be united with epithets denoting its sacredness, as mystical, spiritual, divine,† and it may be that the idea of a sacrifice, in a spiritual sense, was included in the term.

* See Perry's Law. Orn., 515, 12; Robertson, How to Conform, 142, etc.

† Bingham's Ant., iii., 90-93. "An Altar is a table, *in sacris*, and a table an Altar." Bishop H. N. Onderdonk. The Comm. Sacrifice, Works, Vol. II., p. 401.

St. Augustine says : "That which men call a sacrifice is a sign of the true Sacrifice." Before the coming of Christ, the flesh and blood of this sacrifice was shown in a similitude, by victims ; in the Passion of Christ it was offered in the Truth itself ; after the Ascension of Christ, it is celebrated by a commemorative Sacrament.*

Passing by these deep matters, one view may, perhaps, deserve consideration.

In the Institution Service, the term Altar is five times used for the Holy Table. "The Instituted Minister kneels at the Altar." The phrase is therefore known to the Church. After the Elements have been Consecrated are the words in the Oblation : "We do celebrate and make here, before thy Divine Majesty, with these, thy Holy Gifts, which we now offer unto thee, the Memorial," etc. Other passages are full of the meaning of an Offering there made.

In the Sermon on the Mount we have the direction, "If thou bring thy gift to the Altar, and there remember," etc., "Leave thy gift before the Altar," and then, "come and offer thy gift." †

This passage, we presume, refers to the Offerings, which, according to Calmet,‡ were not sacrifices, nor generally included under that name, but fruits of the earth, etc.

So there is a sense, sanctioned by the early Church, by our own language in the Prayer-Book, nay, by the Saviour himself, in which the term Altar has a meaning wholly free from the idea of immolation ; a place where an offering is laid, which we pray may be sanctified by the Spirit, to work *in* Communicants a spiritual blessing.

And, we apprehend, the best conclusion is, that Tables of stone are not forbidden.

§ 8. Reverences In General. In the Book of 1549, at the end of the Offices in the Book of Common Prayer, Administration

* Apud Cary's Testimonies of the Fathers, p. 350. "Mensa est quia ibi renovatur sacra Domini Cæna ; Altare est quia ibi sacrificium crucis mystice renovatur." (Muratori, p. 220.)

† The Greek word is that which indicates the material Altar.

‡ Dic., Tit. *Offerings*.

of the Sacraments, etc., was this Article, "of Ceremonies, why some should be abolished and some retained." But to this was added—"Certain Notes for the more Explication and decent Ministration of things contained in this Book."

Among these directions was the following: "As touching kneeling, crossing, holding up of hands, knocking upon the breast, *and other gestures*, they may be used or left, as every man's devotion serveth, without blame." *

In 1552, the declaration as to Ceremonies was transferred to the beginning of the Book immediately after the Preface, and the Notes of Explication were omitted. This was also the case in 1559 and 1662. Various directions as to posture, kneeling, or standing are given in all the Books after 1549, as well as in that; and in a Rubric at the end of the Communion Office, was a declaration to guard the order to kneel at the reception from being construed into an act of adoration of the Elements. So decided an act as the omission of that important declaration of 1549, in all subsequent action of the Church, clearly indicates the intent, that these matters should no longer be left in the discretion of parties.

The 17th Canon of 1603 directed, among other things: "All manner of persons present shall reverently kneel upon their knees when the General Confession, Litany, and other Prayers are read, and shall stand up at the saying of the Belief, according to the rules in that behalf prescribed in the Book of Common Prayer."

"And likewise, when in time of Divine Service the Lord Jesus shall be mentioned, due and lowly reverence shall be done by all persons present, as it hath been accustomed."

It has been well observed, that if such reverence is due to that Blessed name when elsewhere mentioned, how much more in the Creed, when we mention it with our own lips, making confession of our faith in it, and adding the very reason given in the Canon, that we believe in him as "the only Son," or "only-begotten Son of God," the Saviour of

* The Two Liturgies, p. 157. Cambridge, 1844.

the world; and when, too, we do this "standing," which is the proper posture for doing reverence. (Dr. Bisse, apud Hook's Dictionary, *Bowing*.)

Thus, then, the crossing, the knocking on the breast, the holding up of hands, are, by an unavoidable implication, forbidden. Kneeling has been regulated and provided for in every case deemed proper; and all gestures of reverence seem to be provided for.

The Ornaments of the Minister mentioned §9. Vestments. in the Rubric of the English Book are the Vestments.

The order in the Book of 1549 was: "That upon the day and at the time appointed for the Ministration of the Holy Communion, the Priest shall put upon him the vesture appointed for that Ministration, that is to say, a White Alb plain, with a Vestment or Cope. And, as to Assisting Priests or Deacons, they were to have upon them the Vestures appointed for their Ministry, that is to say, Albs with Tunicles."

So, if there were none to Communicate, "the Priest was still to put on a plain Alb or Surplice, with a Cope, after the Litany, and say all things at the Altar until after the Offertory."

By one of the Notes to the Article on Ceremonies it is provided: "In the saying or singing of Matins or Even Song, Baptizing, and Marrying, the Minister, in Parish Churches or Chapels annexed to the same, shall use a Surplice."*

"And whenever the Bishop shall Celebrate the Holy Communion in the Church, or execute any other public Ministration, he shall have upon him, besides his Rochette, a Surplice or Alb, and a Cope or Vestment, and also his Pastoral Staff in his hand, or holden by his Chaplain."

There was not a sentence in any provision warranting a change of Vestments during the Office of Communion.

But in the Second Book (1552) the Rubric was: "And

* The Two Liturgies, 1844, p. 157.

here it is to be noted, that the Minister, at the time of the Communion, and at all other times in his Ministration, shall use neither Alb, Vestment, nor Cope; but being Archbishop, or Bishop, he shall have and wear a Rochette, and being a Priest or Deacon, he shall have and wear a Surplice only."

Then, in 1559, we have the statutory provision as to Ornaments in the Act of Elizabeth.* It was adopted as a Rubric in the Prayer-Book of that year, and renewed in the Rubric of 1662. It was considered by many that this restored the Vestments prescribed in the Book of 1549, made the use of such lawful, and forbade the use of any others. This was the result drawn, and very reasonably, from the decision of the Judicial Committee before the Purchas case. Yet it is clear, and historically interesting and important, that, after the provision and Rubric of 1559, and the Rubric of 1662, there is found much practice and authority for the use of the Vestments of the Second Book.

Thus, in the Queen's Advertisements of 1564, it was ordered: "Every Minister saying any of the Public Prayers, or Ministering the Sacraments, or other public Rites of the Church, shall wear a comely Surplice with sleeves, to be provided at the charge of the Parish."

Parker's Visitation Articles of 1569 had this inquiry: "Whether your Priests, etc., do use in the Celebration of Divine Service, to wear a Surplice, as prescribed by the Queen's Injunctions and the Book of Common Prayer?"

Bishop Landys directed his Clergy to use a Surplice in all Divine Service. Grindall, in 1571, enjoined the same at the Sacraments, Sundays and Holy Days, when the Communion Prayer, and other Divine Service, was held in Parish Churches and Chapels, and also at burials and marriages.

By his Seventh Article, under title of "The Laity," he orders "that all Vestments, Albs, Tunicles, Stoles, Phanons, etc., be utterly destroyed."

In 1590, the Archbishop of York inquires: "Whether

* See ante, chap. i., § 26.

all Copes, Albs, Vestments, Tunicles, and suchlike relics of Popish superstition be destroyed?"*

By the 58th Canon of 1603, "every Minister saying the public Prayers, or Ministering the Sacraments, or other public Rites of the Church, shall wear a decent and comely Surplice, with sleeves, to be provided at the charge of the Parish. And if any question arise touching the matter the same shall be decided by the discretion of the Ordinary."

Bishop Andrews in 1626, Wren in 1636, Montagu in 1637, Judson in 1660, and Bridgman in 1661, inquired, in their respective Visitation Articles, whether the Ministers, in saying the public Prayers and administering the Sacraments, wear a decent Surplice, with sleeves, and, being a Graduate, with a Hood?

And so, after the Statute and Book of Charles II. (1662), Archbishop Shelton in 1670, Archbishop Freeman in 1662, Bishop Laney in 1670, the Archdeacon of Huntington (Bishop Fuller) in 1674, Archdeacon Outram in 1676, and Bishop Barlow in 1679, inquire whether the Surplice is worn by the Minister in his public Ministrations."†

This review illustrates and warrants the language of the Archbishop of Canterbury, in his reply to the Clergy, in 1800: "I cannot but feel that they who have violated a compromise and agreement which has existed for three hundred years, and are introducing Vestments and Ceremonies of a very doubtful legality, are really, though unconsciously, doing the work of the worst enemies of the Church. That settlement has been concurred in, as far as the Vestments of the Parochial Clergy are concerned, by all the seven hundred Prelates who have presided over the Dioceses of England and Wales, from the early part of the reign of Elizabeth to this day. It is a settlement, which such wise and holy men as Bishop Andrews, Richard Hooper, and their contemporaries, were content to leave untouched."

The Convocation of Canterbury, in June, 1866, adopted a

* These Citations are taken from Perry's Lawful Orn., *passim*.

† Pinnock's Laws and Usages, p. 81.

resolution, that the use of a Surplice in Parish Churches was a compliance with the directions of the Church.

It must, however, be conceded that the import of the decisions and language used in *Westerton vs. Liddell*, and in the *Machonochie* case, warranted the inference that what was allowed in the Prayer-Book of 1549 was lawful. The statute of Charles II., 1662, sanctioned the Rubric in the Prayer-Book, and superseded the Canons and usage. The Dean of the Arches held this to be the legal conclusion, and hence the Alb and Tunicle, and Vestment or Cope, were permissible at the Celebration of the Communion; but we may observe that no change was allowed in this Book of 1549.

The Judicial Committee in the *Purchas* case, noticing that there had not been any absolute decision of the point in the former cases, held that other authoritative legislation had superseded the Rubric so far as Vestments were concerned; and that the Surplice was the only Vestment allowable for any Ministration, except that, in Cathedral Churches, when the Communion is administered on principal Feast days, the chief Minister shall use a decent Cope.

The conclusion is generally admitted that this decision prohibits the use of the Gown in preaching. In a letter of the Bishop of Lincoln, since the decision, he considers that preaching must be in a Surplice.

The judgment is, "that the Surplice is to be worn by the Clergy in all their ministrations." He observes: "The Church of England, in the Book of Common Prayer, uses the terms, '*Minister of God's Word*,' '*Ministry of God's Holy Word*,' '*Ministration of the Word and Sacraments*.' (Article XXVI.) Preaching is, therefore, a *Ministration*."

"The Clergyman, when preaching, ought to wear some Vestment proper to his office. The 58th Canon directed the Church Wardens to furnish a Surplice, but they were not obliged to supply a Gown."

He quotes the authority of Sir Robert Phillimore, "that the use of the Gown was illegal, and such was a necessary

consequence of his own judgment, and of that of the Privy Council in the Purchas case.

Archdeacon Sharpe (p. 206) quotes an opinion of Bishop Cosin, as follows : "That as Surplices were to be worn at all times of the Ministration, and preaching was properly the Ministration of the Word of God, therefore Surplices were to be used in the Pulpit as well as in the Desk, or on other occasions of their ministry."

In regard to the rule in our own Church, it is wholly immaterial whether the decision in the Purchas case as to the Rubric being superseded or modified, is right or wrong. If wrong, and that the Rubric in the Book of 1662 formed part of the law of the Colonial Church, yet, in 1789, our own Church, in the Revision, purposely, as we must suppose, omitted it, and thus plainly declared it should not be the rule here.

Now it is clear that if in England the provision had never been in the statute of 1559, or in a Rubric; or, if in 1662, for example, it had been abrogated simply, the regulations of the Second Book of Edward would have formed the law. The Canon of 1603 and usage would have been inquired into. Both would have been subservient to the Rubric of that Second Book had any contrariety existed.* We may notice that the Canon does not, upon its natural construction, direct the use of the Surplice in preaching.

Such would have been the law in the Colonial Church, and such, we contend, is our own law, unless expressly shown to have been varied.

We have always understood that the custom in our own Church, as far as traceable, was in accordance with such law. The Surplice and a Gown alone were used. In 1785 a Canon of Virginia provided that Ministers and Deacons should wear a Surplice during the time of Prayer and Public Worship in places where they are provided, and wear Gowns when they preach where they conveniently can.†

We have a Canon dating from 1808 forbidding candidates

* This is settled English Law; Sharpe on the Rubrics, etc., p. 100.

† Hawks' Contrib., Vol. I., Virginia.

for Holy Orders to use the dress or stations appropriate to Clergymen ministering in the Congregation. In 1814 the House of Bishops interpreted this by declaring that they considered it contrary to the design of the Canon for candidates to appear in Bands, Gowns, or Surplices. Surplices, as a part of the Minister's dress for officiating, were then known and recognized.

No doubt in the early periods of the Church, Colonial or otherwise, there were places in which there was no Surplice provided or used. But here we distinguish. A written law of plainly general application and permanent character is not annulled by disuse. But a written law clearly applicable at one period and for peculiar circumstances, may be affected by long disuse. This rule in the identical matter of dress is fully dwelt upon by Archdeacon Sharpe.*

Two of the Canons of 1603 show this distinction markedly: the 58th, as to the Surplices used in ministrations, and the 74th, prescribing the ordinary apparel of the Clergy. The former is of general lasting application, except the clause as to Hoods for Graduates in the Universities; the latter is obsolete in England and wholly inapplicable here.

We cannot but think that the Rev. Clerical Deputy from Wisconsin, in the Convention of 1871, was inaccurate in two points: first, that if the Canon (58) was in force, every Clergyman of our Church was bound to wear a Hood, according to his degree. As there is no recognized University, this clause was inappropriate to our situation. Next he treated the 74th Canon as ruling the sense of the term "decently habited" in the Office for ordaining Deacons, and hence would be of obligation, if any of such Canons were in force. But a Canon which Archdeacon Sharpe shows† was superseded and without obligation in England, and wholly unknown and plainly inapplicable here, must be without force with us.

Again, the Reverend Deputy stated the case of a Clergy-

* On the Rubric, etc., p. 280, etc.; see *Herbert vs. Herbert*, 2 Phill. Rep., p. 443.

† On the Rubric, p. 280.

man in New York, who advised with Bishop Hobart upon the Use of a Surplice, and was recommended to be careful in introducing it into his parish. Bishop Hobart was made Bishop in 1816, two years after the exposition by the House of Bishops of the known and proper clerical officiating dress. Bishop Hobart used the Surplice himself, as did other Clergy in New York, as I am reliably informed. Surely it must have been the case of some parish where it was the part of prudence to be wary to introduce the Surplice.

And thus, by absolute law, as we consider it, found in the Second Book and a Canon of 1603, by ancient, almost unbroken custom, for over three hundred years, by the authority of a line of Bishops from the day of Elizabeth to the present time, by much that can be traced in the history of the Church in this land to affirm, and by nothing contradictory (for disuse is not such), we have a rule settled with great exactness. We deem the results to be—

1. The Use of the Surplice with the Tippet, Scarf, or Stole,* in reading Morning or Evening Prayer, Baptism, Marriage, Burial, and Administration of the Holy Communion, is prescribed. No other Clerical Vestment is allowable in these ministrations, no addition to, or change of them. Necessity or accident can alone dispense with their use. The Bishop of Exeter would not command a Curate to use the Surplice where the Wardens had neglected to supply one, as directed by the Canons of 1603.

2. The Surplice ought to be used in preaching on Communion days. The argument seems decisive that it is part of the Office. From the Gospel and the Creed the Minister proceeds to the Sermon. He returns and begins the Offertory. Is he to change from Surplice to Gown, and again from Gown to Surplice; or is he to violate a plain duty, and go through the ministration in a Gown? †

3. The preaching in a Surplice is always allowable. The

* The Tippet, I understand, comprises both Scarf and Stole. Hook's Dict., *in verbo*.

† The Bishop of Exeter decided in the Hetley case, that the Sermon was part of the Office (*Hierurgia Anglicana*), 368; English Churchman, No. 93.

preaching in a Gown is permissible except on Communion Days.

The Vestments in use in the Eastern Churches are minutely stated by Mr. Neal.* Bingham describes those of very early antiquity, citing Canons of the Council of Laodicea, the Fourth Council of Carthage, that of Nardis, and the Fourth of Toledo.†

Without entering into details, we are struck with the fact that the Vestments were few. Two appear to answer to the white Surplices of the present time,‡ the Orarium or Scarf, the Alba, and Tunica or Surplice. The Orarium was common to all; the Alba was for a Deacon; the Planeta for a Presbyter.

In the sixth additional note to Maskell's *Ancient English Liturgies* (p. 187), we have the prayers said upon putting on the various robes. They are the Amictum,§ the Alb, the Zone, the Stole, the Tunic, the Dalmatium, the Fanon, and Chasibule. I do not understand that all these were enjoined at the usual Celebration, but they were used on high occasions. Yet there is a Canon cited by Maskell declaring that no Priest should presume to celebrate Mass without the Tunic, Alb, Stole, Fanon, and Chasibule.||

The Use of Salisbury, as we now have it, does not detail the Priest's garments, speaking only of his having put on the Vestments, but Maskell observes that there were other Books containing such particulars.

Mr. Marriott has lately published a work upon this subject which I have not met with, but in a letter to the *Guardian* newspaper,¶ he states the following as the results of his inquiries:

"*First*, That of all types of ecclesiastical dress anywhere in use within the Church, the Surplice and Stole now commonly worn by English Clergymen are the oldest, and pre-

* Vol. I., p. 306. † Book xiii., 8. ‡ The Hamoson and Sticharion.

§ Clearly shown, by the direction for the putting it on his head, to be the Hood. See Hook's Dict., *Amice*.

|| English Litur., p. 2, note.

¶ Church Journal, Dec. 14, 1870.

sent the nearest approach to the dress of Ministers worn in the first four or five centuries of the Church's history.

"*Secondly*, That the Vestments mentioned by name in the First Book of Edward VI., if worn with white as their dominant colour, will, with one or two exceptions only, correspond with the dress of the Holy Ministry, which was common to East and West from (in round numbers) the year 500 to the year 900.

"*Thirdly*, That in the period which Roman Catholic writers speak of as the *Seculum Plumbeum*, in respect of its ignorance, and the *Seculum Caninum*, in respect of the monsters of iniquity then in the high places of the Church, an immense development of ecclesiastical Vestments was worked out in the Western Church from the year 900 or thereabout to the year 1050; a development which was authoritatively recognized some fifty years after by Pope Innocent III. They who take the rules of the Roman Church as their guide in the matter of Vestments, are assuming a dress which, though ancient in parts, dates, as a whole, from the period of a divided Christendom, of prevailing ignorance, and of unutterable corruption in the highest places of the Church."

Wonderful indeed is it that thus, in the lesser matters of the law as well as in the great points of faith, the English Reformers have the sanction of the purest antiquity; and the extremists in Ritualism of our day have only the support of usages in a period comparatively recent, and springing from error and corruption.

CHAPTER IV.

THE BAPTISM OF CHILDREN.

§ 1. Historical Notices, etc. IN treating of this great subject, we first submit an historical notice of the Formularies and Constitutions of the Anglican Church from an early age.

A. D. 693. “Let a child be Baptised within thirty nights ; if it be otherwise, let the father make satisfaction with thirty shillings. If it then die, without Baptism, let him make satisfaction with all he is worth.”*

A. D. 740. “The Rite and time of Baptism at proper seasons, according to the Canons, shall be most cautiously observed by all Priests.”†

“All Priests shall diligently give Baptism to all who want it ; and, in cases of infirmity, at any time whatever.”‡

“As to infants—when no certain witnesses of their Baptism are found, and they, by reason of their age, can make no certain answer as to the Sacraments§ having been given unto them, it seems fit that they be Baptized without scruple.”

“Let the parent, whose child is dead without Baptism through his neglect, do penance for one year. If the Priest whose duty it was to come, neglected it, though asked, let him be chastized by the doom of the Bishop, for the loss of a soul. But all the faithful may do this when they find any dying unbaptized ; nay, it is commanded that men should snatch a soul from the Devil by Baptism, that is, by Baptizing them with water, simply blessed in the name of the

Inc
* Laws of King ~~John~~ ; Ecc. Laws, Vol. I., p. 132.

† Exceptions of Eggbright ; Ibid., 186.

‡ Ibid.

§ The Plural, because the Eucharist was sometimes given as Baptism.

Lord, by immersing them, or *pouring water upon them, in the name of the Father, the Son, and the Holy Ghost.*" *

Johnson considers these Exceptions to have formed the law of the Province of York for three hundred years.

A. D. 816.

By a Canon of Wilfrid, it was ordered that the Priest do not pour water on the head of the infant, but immerse it in the Font, referring to the immersion in Jordan.†

A. D. 994.

"If any one bring a sick child to a Mass Priest, let him baptize it out of hand, to whatever Mass Priest's district it belongs. If he neglect, let him know that he shall be answerable to God at Doomsday for the soul of the child." ‡

A. D. 1236.

"In every Baptismal Church, let there be a Baptistery of stone, or however, one that is sufficient (large enough) for dipping, handsomely covered, and reverently kept, and not used for any other purpose. If a child, in case of necessity, has been baptized by a layman at home, let that water be either thrown into the fire, or carried to Church, to be thrown into the Baptistery."

"Let the Priest diligently inquire of the layman who has baptized a child in case of necessity, what he said and what he did; and if he find that he did clearly perform the baptism in the form of the Church, let him approve the fact."

"We charge that Deacons presume not to administer Penances or Baptism but when the Priest is not able, or not present, or stupidly unwilling, and death is imminent to the child or sick person. But if the child be baptized by a layman, let what goes before the immersion, and what follows after, be fully supplied by the Priest." ||

A. D. 1257.

"We further ordain, that Parish Priests diligently learn the Form of Baptism, and frequently explain it in the vulgar tongue, on the Lord's Day, to their Parishioners, that if a case of necessity happens, so that it

* Eggbright's Exc.; Johnson, 1, p. 235.

† Ibid., p. 308.

‡ Theodulf's Capitula, Johns, 1, 460: || Edmund's Const.; Johnson, 2, 134, 135.

concerns them to baptize any one, they may know how to observe it." *

A. D. 1268. "Baptism is known to be the first plank which brings those who sail through this dangerous world to the port of salvation, which our Saviour Christ instituted as a gate to the other Sacraments; and because it is certain that the Sacrament cannot be neglected or omitted without hazard of salvation, we strictly charge the Parish Priests diligently to learn the Book of Baptism," etc. (repeating the Constitution of Otto of 1257, as above).†

A. D. 1281. "We find that some have transgressed as to the Sacrament of Baptism. For where it is allowed for laymen or women to baptize children, in case of inevitable necessity, and such Baptism is evidently sufficient for salvation, if the due Form be observed, and they who have been so baptized ought not to be baptized again—yet some foolish Priests do re-baptize them, which is an indignity to the Sacrament; now we firmly forbid this for the future. But let the Exorcisms and Catechisms be used over the children so baptized, in reverence to the usage of the Church. The Form of the Sacrament in the vulgar tongue consists not only in the signs, but in the words in which it was instituted by God, inasmuch as Christ the Lord has conferred a regenerative power to these words so ranged as they are in the Latin tongue. Let, then, the Baptizer say thus: 'I christen thee in the name of the Father, and of the Son, and of the Holy Ghost.'"

"And if the Priest doubt whether the child was christened in due form, let him observe the manner of the Decretals, together with the Exorcisms and Catechisms, saying: 'If thou art baptized, I do not re-baptize thee; if thou art not baptized, I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost.'"

† The Exorcisms and Catechisms or questions preceded immersion. They are noticed hereafter.

* Const. of Otto; Johnson, 2, 153. † Const. of Othobon; Ibid., 213.

‡ Peckham's Const., 3; Johnson, Vol. II., p. 276.

The Sacrament of Baptism. “It was instituted and ordained of Jesus Christ, as necessary to salvation, that by it, as well infants as those who have the use of reason, have the remission of sins, and the grace and favor of God offered to them. That infants and innocents must be baptized, because the promise of grace and everlasting life pertains as well to them, as to those who have the use of reason; and that, therefore, baptized infants shall undoubtedly be saved. They are to be baptized, because of original sin, which is remitted only by Baptism. They that are once baptized must not be baptized again. The opinions of the Anabaptists and Pelagians are to be held detestable heresies. They, who having the use of reason, shall come to Baptism, shall obtain remission of sins, if they come thereunto perfectly and truly repentant, confessing and believing all the Articles of Faith, and having confidence and trust in the promise of God adjoined to the said Sacrament.” *

Article VI.—De Baptismo. “We say that Baptism was instituted by Christ, and is necessary for salvation; that by Baptism are offered the remission of sins and grace of Christ to infants and adults; that Baptism should not be repeated; that infants should be baptized; that they obtain, through Baptism,† remission of sins and grace, and become children of God, because the promise of grace and eternal life belongs, not merely to adults, but to infants also. And this promise ought to be applied by the Minister in the Church to infants and adults. But because infants are born with original sin, they have need of the remission of that sin, and this is so remitted that the guilt is taken away. Still, the corruption of nature, or concupiscence, remains in this life, although it begins to be cured, because the Holy Spirit, even in infants, is efficacious and cleans them.”

The Article condemns the Anabaptists and Pelagians, and proceeds: “Of Adults we teach that they also obtain, by Baptism, remission of sins and grace, if they bring a true

* Strype's Mem. of Cranmer, 1, 85.

† *Per Baptismum.*

penitence, a confession of the Articles of Faith, and fully believe that remission of sins and justification is given unto them for the sake of Christ,* as Peter says in Acts: "Repent, and be baptized for the remission of sins.†

There are some other documents prior to or about the time of the first Prayer-Book, of much value.

The Catechism of Cranmer was published in 1548, having been prepared before, from a work printed in 1539. Mr. Fallows‡ says, that it was a translation of a German work of Justus Jonas, the friend of Luther and Melancthon, and called "Catechetical Addresses in the Church of Nuremberg." It is conjectured that Cranmer received it from Oriander, Pastor of that Church, whose niece he had married.

I cite a few passages from many quoted by the Bishop of Eley: §

"The second birth is by the water of Baptism, which Paul calls the bath of regeneration, because our sins be forgiven us in Baptism, and the Holy Ghost is poured into us as God's beloved children."

"As in Baptism we must think that as the Priest putteth his hand to the child outwardly, and washeth him with water, so must we think that God putteth to his hand, and washeth the infant with his Holy Spirit; that Christ himself cometh down upon the child, and apparelleth him with his own self."

The Homily of Salvation. 1549. The Homily of Salvation, after speaking of the Sacrifice of Christ, adds: "Insomuch that infants, being baptized, and dying in their infancy, are, by this Sacrifice, washed from their sins, brought to God's favour, and made his children, and inheritors of his kingdom of Heaven; and they which, in act or deed, do sin after their Baptism, when they turn again to God unfeignedly, they are likewise washed by this Sacrifice from their sins in such sort that there remaineth not any spot of sin that shall be imputed to their damnation." ||

* *Propter Christum.*

† Hardwick's Hist. of the Articles, p. 242.

‡ Order of Baptism, p. 70. § Expositions, p. 668.

|| Part I., p. 17, edition 1844.

The Reforma-
tio Legum. 1551.

The following is from the *Reformatio Legum* of 1551 : "Therefore; there is a cruel impiety as to Baptism in those who refuse to impart it to infants, but without any reason whatever. The infants of Christians belong not less to God and the Church than the children of the Hebrews of old belonged ; to whom, as in infancy Circumcision was ministered, so to our infants Baptism should be given, since they are partakers of the same promise and Divine Covenant."

Catechism of
1549.

The Catechism published with the Prayer-Book of 1549 was part of the Confirmation Office ; but in that, and in the office ever since, the child is taught that in Baptism he was made a child of God, a member of Christ, and an inheritor of the kingdom of Heaven.

In the Confirmation Office of the Church, from the year 1549 to this day, in obvious reference to the effect of Baptism, the Bishop gives thanks to God, who had vouchsafed to regenerate these thy servants by water and the Holy Ghost.

In the Preface to the Office of Confirmation in the year 1549 was the following Rubric : "And that no man shall think that any detriment shall come to children by deferring of their Confirmation, he shall know for truth, that it is certainly God's Word, that children being baptized, if they depart out of this life in their infancy, are undoubtedly saved."

This declaration was retained in 1552 and 1559. In 1662 it was left out of the Confirmation Office ; and there was inserted at the close of the Baptismal Office this : "It is certain by God's word, that children that are baptized, dying before they commit actual sin, are undoubtedly saved."

Articles of
1552.

Of Baptism. Baptism is not only a sign of profession and mark of difference whereby Christian men are discerned from others that be not christened, but it is also a sign and seal of our new birth,* whereby, as by an instrument, they who receive Baptism rightly are grafted in the Church ; the promises of the forgiveness of

* In the Articles of 1571 and 1801, the language is, "but it is also a sign of regeneration or new birth."

our sins, and our adoption to be the sons of God,* are visibly signed and sealed, faith is confirmed and grace increased by virtue of prayer to God.

“The custom of the Church to christen young children is to be commended, and in any wise to be retained in the Church.”†

§ 2. Days for Ministering. The title of the Office is, *The Ministration of Public Baptism of Infants, to be used in the Church.*
1789. 1662.

. . . . The people are to be admonished that
. . . . it is most convenient that Baptism should
. . . . not be administered but upon Sundays
(a) or Prayer and other Holy Days, (a) when the most
Days. number of people come together; as well
for that the congregation there present
may testify the receiving of them that be
newly baptized into the number of Christ's
Church, as also that in the baptism of
infants, every man present may be put in
remembrance of his own profession made
to God in his baptism. For which cause
it is expedient that Baptism be ministered
Nevertheless, if in the vulgar tongue. *Nevertheless* (if
necessity so require, baptism necessity require) children may be bap-
may be admin- tized on any other day.
istered upon . .

The Rubric of 1549 was: “It appeareth by ancient writers that the Sacrament of Baptism in the old time was not commonly ministered but at two times in the year, at Easter and Whitsuntide, at which times it was openly ministered in the presence of all the congregation; which custom now being grown out of use, although it cannot for many considerations be restored again, yet it is thought good to follow the same as near as conveniently may be.

* By the Holy Ghost. 1571 and 1801.

† “The Baptism of young children is in any wise to be retained in the Church, as most agreeable to the Institution of Christ.” 1571 and 1801.

Wherefore the people are to be admonished, etc." (as in the Rubric of 1662, above). Nevertheless (if necessity so require) children ought at all times to be baptized, either at the Church, or else at home.

The Rubric of 1552 was the same, except that the last sentence was, "children may at all times be baptized at home." This, no doubt, means on any day, if necessity requires. That of 1559 was the same as that of 1552.

The custom of baptizing at particular times of the year grew up in the early days of the Church. The author of the Comments on St. Paul, under the name of Ambrose, says: "At first all taught and baptized on all days and times as occasion required. Philip stayed for no time or day to baptize the Eunuch; neither did Paul and Silas delay the time when they baptized the keeper of the prison with all his house. Neither did Peter use Deacons, nor stay for a solemn day when he baptized Cornelius and his family."*

The most common times for the Rite were Easter and Pentecost, or Whitsuntide and Epiphany. The regulation arose from the course prescribed for a Catechumen before Baptism (except where there was danger of death), and was particularly applicable to adults. In populous cities, great numbers were sometimes baptized together; three thousand, for example, at Constantinople, and then Deacons were allowed to perform the Rite.

But all this was subservient to the great rule of the necessity of Baptism, so that St. Basil says: "Other things have their particular seasons; a time for sleep and a time for watching . . . but the time of Baptism is man's whole life. All times are suitable to receive salvation thereby, whether day or night; every hour, every minute."

Very soon Baptisteries were built near the Church, and the Rite was administered nowhere else, except in cases of emergency. In one of the novels of Justinian, reference is made to ancient laws appointing that none of the Sacred

* Apud Bingham, Vol. IV., p. 112.

Mysteries should be celebrated in private houses. Private Oratories for Prayers were allowed, but not for the ministration of Baptism or the Eucharist, unless with the particular license of the Bishop. The Council of Trullo enjoined that no persons should receive Baptism in Oratories belonging to houses, but that they who desire illumination should go to the Catholic (public) Churches, on pain of deposition of the Clergyman, and excommunication of the receiver.*

Our Rubric and the English impliedly direct Baptism in the Church by directing it to be on Sundays, etc. In the Office for Private Baptism is the injunction, that children be not baptized at home, without great cause and necessity.

The Roman Ritual is : "That it is lawful, when necessity urges, to baptize everywhere, yet the most proper place for administering Baptism is the Church in which there is a Baptismal Font, or a Baptistery near the Church."†

In the Simple and Pious Deliberation of Hermann, the direction is, "that Baptism should not be administered except on Sundays and Holy Days, on which the whole Church is wont to assemble."‡

It is to be regretted that we have omitted the clause in the English Rubric, as to the testimony of the Congregation, and the remainder of their own reception and profession made to God in Baptism.

1789.

1662.

§ 3. Sponsors.

There shall be for every male child to be baptized, when they can be had, two Godfathers and one Godmother; and for every female one Godfather and two Godmothers; and Parents shall be admitted as Sponsors, if it be desired.

And note, that there shall be for every male child to be baptized, two Godfathers and one Godmother; and for every female, one Godfather and two Godmothers.

Although Godfathers and Godmothers are mentioned in the Books prior to 1662, there is nothing said as to the number.

* Bingham, IV., p. 116.

† Bully, 228.

‡ Ibid.

The Sarum Use directed, that one man and one woman should be Sponsors, except custom permitted more, but under no circumstances should there be more than three.

By a Legatine Constitution made at York, A.D. 1195, it was ordained, that no more than two or three take a child out of the Sacred Font; two men and one woman for a male child; two women and one man for a female child.*

The taking children out of the Font was the duty of the Sponsors, and they became sureties to the Lord, for their renouncing Satan, his works, and pomps.

In the Constitutions of *Cealchythe* (A.D. 785) it was ordered, that all who take children out of the Font are sureties unto the Lord, according to their sponson, for the renouncing of Satan, his works, etc., and for their believing of the Creed.†

By the 29th Canon of 1603, no parent was to be urged to be present, nor be admitted to answer as Godfather for his own child. Mr. Fallows thinks that this arose from a desire to guard against the Puritan notion of a baptism because of the father's faith.‡ In the Conferences at Hampton Court the Bishops say, "It is an erroneous doctrine, and the ground of many others, and of many of your Exceptions, that children have no right to baptism, but in their parents' right."

So what at first appears very singular, if not unnatural, has, when scrutinized, a reason in doctrine. And besides, the number answerable for the child was increased. Both Mr. Robertson§ and Mr. Blunt|| observe that the Canon of 1603 was altered in 1865, so that a parent may be a Sponsor. Our own Rubric admits parents.

In the Rite of Constantinople, the child is brought to the Church on the fortieth day, accompanied by its mother and a Sponsor. One Sponsor is named, and such was the rule; but at present the number is not fixed, although there generally appears to be two. After the immersion, the Priest gives back the child to the Sponsor.¶

* Johnson, Ecc. Laws, Vol. II., p. 77.

† Baptismal Offices.

|| Ann. Prayer-Book, 216.

† Ibid., Vol. I., 266.

§ How to Conform, 215.

¶ Neal's Hist., ii., 984.

In the French Church, it is declared, that no Canon binds parents to have Sponsors ; but they who will not observe it, but will by themselves present their own children, shall be earnestly entreated not to be contentious, but to conform unto the ancient and accustomed order, it being very good and profitable.* Beza and Rivet are cited as approving of the custom of Sponsors.

1789.

1662.

§ 4. Notice to the Minister.	When there are children . . . . .	.	.	.	.
	to be baptized, the parents . . . . .	.	.	.	.
(or <i>Sponsors</i>) shall give knowledge . . . . .		.	.	.	.
thereof, before the beginning of Morn-	over night or				
ing Prayer, to the <i>Minister</i>	Curate.				

The Rubric of 1549, of 1552, and of 1559 was substantially the same.

By the 68th Canon of 1603, "No Minister shall refuse or delay to christen any child, according to the Form of the Book of Common Prayer, that is brought to him upon Sunday or Holy Days to be christened, convenient warning being given him thereof before, in such manner as is prescribed in the said Book of Common Prayer." The penalty was suspension for the space of three months.

This duty is as obligatory upon the Ministers of our own as upon those of the English Church. All that can be required is, that proper notice be given, that the Minister may be prepared, and that the child be brought at the appointed time. The directions in the Anglo-Saxon Church upon this point were very rigid, and are before quoted. (Ante, § 2.) The Priest who neglected the duty was guilty of the loss of a soul.

In section 32, post, I have stated the views of some Divines and rules of some Churches as to the children to whom this obligation extends, with the replies to Mr. Baxter's "Censure of the Church," requiring it to be done for the children of adulterers, heretics, etc. The rule is, we think, of wide latitude ; the protection is in known Sponsors.

* Bingham, Vol. X., p. 174.

1789.

1662.

§ 5. When per-
formed. And then the Godfathers and . . .
the Godmothers, and the people . . .
with the children, must be ready at the Font, . . .
either immediately after the last Lesson at . . .
Morning Prayer, or immediately after the . . .
last Lesson at Evening Prayer, as the *Min-* . . .
ister by his discretion shall appoint. . . Curate.

The Rubric in 1549 was: "And then the Godfathers and Godmothers and people, with the children, must be ready at *the Church door*, either immediately after the last Canticle at Matins, or else immediately after the last Canticle at Even Song, as the Curate by his discretion may appoint." It was altered to its present form in 1552.

It is quite plain that when Baptism is administered on Sundays, Holy Days, or Prayer Days, the proper and only time for it is after the Last Lesson, as prescribed. When it is public on any other day, in case of necessity, there is no time allotted.

1789.

1662.

§ 6. The Font. And the Minister, coming to the . . Priest.
Font (which is then to be filled . . .
with pure water), and standing there, shall . . .
say: "Has this child been already baptized . . .
or no?"

The Rubric and the inquiry were the same, with trivial variations in the Books of 1552 and 1559. In the Book of 1549, the regulation was, that the child was to be brought to the Church door, and the Priest was standing there. After the Thanksgiving "for being called to the knowledge of God's grace," etc., the Priest took one child by the right hand (the others being brought after him), and went into the Church toward the Font. Then, standing at the Font, he addressed the Godfathers and Godmothers.

And by a Rubric at the end of the Office it was provided, that if the number of children to be baptized, and multitude of people be so great, that they cannot conveniently stand at the Church door, then let them stand within the

Church, in some convenient place nigh unto the Church door, and there all things be said and done, appointed to be said and done at the Church door."

A Baptistery near, or even within, the body of the Church was known in very early ages. For a long time, it was a separate building with the Font within it.*

Mr. Neal mentions one distant three hundred yards from the Church; another connected by a cloister or passage, and one inclosed in the narthex.†

Fonts within the Church superseded buildings, as immersion came to be disused.

The Use of Salisbury directed that the Priest, if it was possible, should always have a stone Font whole and fit for baptizing; but if this could not be done, he was to have a convenient vessel (*vas*), which should never be used for any other purpose, nor carried beyond the Church.

Canon 81 of 1603 provided: "According to a former Constitution, too much neglected in some places, we appoint that there shall be a Font of stone in every Church or Chapel where Baptism is to be administered, the same to be set up in the ancient usual places; in which only Font the Minister shall baptize publicly."

Bishop Montagu asks: "Is there in your Church a Font for the Sacrament of Baptism, fixed unto the Lord's freehold, and not movable? Of what material is it made? Where is it placed; whether near unto a Church door to signify our entrance into God's Church by baptism? Is it covered well, and cleanly kept? In time of baptism, is it filled with water, clear and clean, or in some basin or bowl set therein?"‡

Frequent injunctions are issued against baptizing from basins, or anything but the Font.§

We apprehend this Canon of 1603 is of force in our own Church at the present day.

The order that the Font be *then* (at the time of Baptism)

* Called *Piscina*. Bingham, iii., 120.

† Visitation Articles, 1638.

‡ Hist. Eastern Church, i., 214.

§ Hierurgia, 79-81.

filled with pure water, was in opposition to the Romish custom of keeping the same water until often it became unfit for use. The English and our own Rubric has the sanction of the Churches of Constantinople, Antioch, and other Eastern Churches.* One of the Constitutions cited by Lynwood is, that the water wherein the child shall be baptized shall not be kept more than seven days in the Font.†

The Consecration of Fonts was an ancient practice, and traces of it are found in the reign of Charles I. But we doubt whether the *hallowing*, witnessed by Elizabeth at the christening of Lady Cecil's child, was more than the Consecration of the Water by the Prayer in the Book of 1549.‡

The Scottish Rubric of 1637 directed the water to be changed in the Font twice in the month, at least; and before any child should be baptized in the water so changed, the Presbyter or Minister shall say at the Font these words: "Sanctify this Fountain of Baptism, thou which art the Sanctifier of all things." §

Similar Prayers are found in the Eastern Offices. In that of Constantinople are several—"That this water may be sanctified by the might and energy of the Holy Spirit;" "That the grace of Redemption, the blessing of Jordan may be sent down upon it." ||

The Prayer in the Book of 1549 is so instructive as well as beautiful, that we copy it in full. The Rubric directed that the water be changed every month at the least; and afore any child be baptized in the water so changed, the Priest shall say at the Font these Prayers following:

"O most Merciful God, our Saviour Jesus Christ, who hast ordained the Element of Water for the regeneration of thy faithful people, upon whom, being baptized in the River Jordan, the Holy Ghost came down in the likeness of a dove; send down, we beseech thee, the same, thy Holy

* Palmer, 2, p. 180.

† Burns' Ecc. Law, 2, p. 296.

‡ Hierurgia, p. 80.

§ Keeling's Lit., 236.

|| Neal, 2, p. 985.

Spirit, to assist us, and to be present at this our Invocation of thy Holy Name ; sanctify this Fountain of Baptism, thou that art the Sanctifier of all things, that by the power of thy Word, all these that shall be baptized therein may be spiritually regenerated, and made the children of everlasting adoption."

Then followed the Supplications—"Grant that the old Adam," etc.

The Benediction of the Water in the Office of James of Edessa is very impressive : "Manifest thyself, O Lord, upon these Waters, and Sanctify them by the illapse of thy Holy Ghost, that he who is baptized in them may be changed, and may put off the old man which is corrupt, and may put on the new man which is renewed after the image of Him that created him."*

The question, "Hath this child been already baptized or no?" was substantially in all the

Liturgies before 1662. Instead of, "shall say," the Priest was directed to make the inquiry, and if the answer was No, to proceed with the Exhortation.

The question has been directed to be put, because of the doctrine that Baptism once performed ought not to be repeated. Hooper says : "Iteration of Baptism once given hath always been thought a manifest contempt of that Apostolic aphorism, 'One Lord, one Faith, one Baptism ;' Baptism, not only one, as it hath everywhere the same substance, but one also, as it ought not to be received by any man above once."†

"As Christ hath died and risen from the dead but once, so the Sacrament which both extinguisheth our former sin and beginneth in us a new condition of life, is by one administration forever available, according to that in the Nicene Creed : "I believe in one Baptism for the remission of sins." St. Augustine said : "That it was difficult to decide whether no Baptism or re-baptism was most pernicious."

But we find qualifications of this doctrine soon arising.

* Neal's Hist., ii., 991.

† Ecc. Polity, v., 62-4.

Many held that the Baptism by heretics was no Baptism, and hence one by the Orthodox was not a second Baptism. At last it was settled that such re-baptism was only justifiable when the Rite had been performed by one who denied the highest Articles of Christian Faith, and changed its form and substance.*

It may occur that the answer to this question would raise the point of Lay Baptism in a case of necessity or otherwise. This subject is fully considered hereafter, post, section 34.

If the answer should be in the affirmative, the course to be pursued is, to some extent, pointed out in the Office for Private Baptism, when the child survives, and is brought to the Church. If the Minister of the Parish has himself baptized the child, he certifies it to the Congregation, and proceeds with the service as assigned. But if baptized by any other lawful Minister than the Minister of the Parish where the child is born or christened, he is to examine whether the same has been lawfully done. If he find by the answers of such as bring the child, that all things were done as they ought to be, he shall not christen the child again, but shall receive him as one of the flock of true Christian people, saying thus, &c.

In the Book of 1549, the questions for such examination are stated. They are: "By whom was the child baptized? Who was present? Whether they called upon God for Grace in that necessity? With what thing or matter did they baptize? With what words? and whether they thought the child to be rightly baptized?"

These questions were framed with a view to the case of Lay Baptism, as is shown by the preceding Rubrics in that Book.

§ 8. The Address.

"Dearly Beloved, forasmuch," etc.

The address in the Book of 1662 is precisely the same, except that the word *lively* is used, instead of *living*. The Form in 1549, 1552, and 1559 is so nearly the same that the variations need not be stated, with one ex-

* Bingham.

ception. In 1549 it was only that they may be "baptized with the Holy Ghost," the words "with water and" being omitted.

This address is not found in ancient Liturgies, but something like it is traceable in Gothic and Gallican Offices. The passage cited by Palmer from Hermann's Form has not the very material passage, of "being born anew of Water and the Holy Ghost."* In other particulars, the Form follows that of Hermann, and his was derived from one of Luther's.†

1789.

1662.

§ 9. The Prayer
for Sanctifica-
tion.

Then shall the Minister say, . Priest .
"Almighty and Everlasting . . .
God," etc.

This Prayer in the Book of 1662 and the Scottish Liturgy of 1637 is identical with our own. The variations in 1552 and 1559 are of slight importance. Mr. Keeling's work shows them.‡ The addition in the Scottish Office of the Prayer for the Sanctification of the Water has been before noticed.

The Book of 1549 contains a passage referring to the Deluge and safety of eight persons in the Ark, also to the passage of the Red Sea by the children of Israel, in connection with the effect of baptism. One sentence, however, is striking:

"We beseech thee for thine infinite mercies, that thou wilt mercifully look upon these children, and sanctify them with thy Holy Ghost, *that by this wholesome laver of regeneration, whatsoever sin is in them may be washed away; that they, being delivered from,*" etc.

§ 10. The Alter-
native Prayer.

Or this—"Almighty and Immortal God," etc. In the Book of 1662 this follows the first Prayer, and is not in the Alternative. The same was the case in 1552 and 1559. In 1549 the same Prayer is found, but in another place. The following preceded it, all being still

* Origines Liturg., Vol. II., p. 172; London, 1845.

† Prayer-Book Interleaved, 183.

‡ Lit. Britt., p. 237.

at the Church door: "Here the Priest shall ask what shall be the name of the child; and when the Godfathers and Godmothers have told the name, then shall he make a cross upon the child's forehead and breast, saying: *N.*, receive the sign of the Holy Cross, both in thy forehead and in thy breast, in token that thou shalt not be ashamed," etc., as in our own Form.

This Prayer is a translation of an old Prayer in the Sarum Use, for making a Catechumen. A similar Prayer is found in Hermann's Consultations, which contained also the following: "After signing the figure of the Cross upon the forehead and breast, let the Priest say: Receive the sign of the holy Cross upon the forehead, that you may never be ashamed of God, or Christ your Saviour, or of his Gospel; receive it upon your breast, that the virtue of Christ crucified may be to you a perpetual guard, and a sure protection in all things." (Bully, 235.)

§ 11. Rubric as
to the Gospel.

Then the Minister shall say as follows: "Hear the words of the Gospel," etc.

"Or else shall pass on to the questions addressed to the Sponsors and from thence to the prayer immediately before the immersion, or the pouring of water on the infant. But note, that in every Church, the intermediate parts of the Service shall be used once at least in every month if there be a baptism, for the better instruction of the people in the grounds of Infant Baptism." In none of the English Books was such a discretion left to the Minister; but the Gospel, and the Exhortation before the address to the Sponsors, was always to be used.

1789.

1662.

§ 12. The Gos-
pel.

Hear the words of the Gospel written by St. Mark, in the 10th chapter, at the 13th verse.

Then shall the people stand up, and the Priest shall say, Hear the words of, etc.

The direction for the people to stand up was first inserted in the Book of 1662. The other part of the direction is the same in all the Books. This Gospel was also appointed to be read in Hermann's Consultations. And it is said to

have been the practice from the year 1100 at least. The parallel passage from St. Matthew (xix. 13-15) was introduced in the Office for making a Catechumen in the Sarum Use.* In the Armenian Office the 28th chapter of St. Matthew, from the 16th verse to the end, was read.† And in the Coptic it was the 3d chapter of St. John, i. 21.‡

Bishop Brownell observes: "The use of this part of the Service is left discretionary with the Minister; but in the English Office no such latitude is allowed. It is feared that some of our Clergy carry this latitude further than they are authorized, and seldom or never use this part of the Service. In large congregations, where Baptism is frequently administered, its use once a month may be sufficient to keep the people in mind 'of the grounds of Infant Baptism,' but in congregations where it is but seldom administered, it will rarely be expedient to omit any part of the Office." §

1789.

1662.

§ 13. The Exhortation upon the Gospel. After the Gospel is read, the Minister . . . shall make this brief Exhortation upon . . . the words of the Gospel : . . .

"Beloved, ye hear," etc. . . .

And say: "Almighty and everlasting God," etc. . . .

This Exhortation and Thanksgiving have been in the English Books since 1552.

In 1549, after the words, "devoutly give thanks unto him" in the Exhortation, were the words—"and say the prayer which the Lord himself taught; and in declaration of our Faith, let us recite also the Articles contained in our Creed."

Here the Minister and the Godfathers and Godmothers, and the people present, shall say, "Our Father," etc.

And then shall say openly, "I believe," etc.

The Priest shall add also this Prayer: "Almighty and

* Interleaved Prayer-Book, 183; Annot. Prayer-Book, 220.

† Neal's Hist. East. Church, ii., 987.

‡ Ibid., 973.

§ Family Prayer-Book, 409.

everlasting God," etc., the same as the other Books, after the Exhortation.

This Collect or Thanksgiving appears to be copied from that in Hermann's Consultations. There is an important addition in the latter: "Give the Holy Spirit to this infant, that he may be born again (*quo regeneratur*), and be made heir of everlasting salvation, which of thy grace and mercy thou hast promised to thy Holy Church, to old men, and to children, through Jesus Christ." *

1789.

1662.

§ 14. Address to Sponsors.	Then shall the Minister speak . . . unto the Godfathers and God- . . . mothers in this wise: . . .	Priest
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"Dearly beloved, ye have brought," etc. . . .

From 1552 this Rubric and the address to the Sponsors have been the same, and in the same place in the Service.

In 1549, after the Prayer, "Almighty and everlasting God," (ante, § 13), was the following Rubric: Then let the Priest take one of the children by the right hand, the other being brought after him; and coming into the Church toward the Font, say: "The Lord vouchsafe to receive you into his holy household, and to keep and govern you always in the same, that you may have everlasting life."

Then, standing at the Font, the Priest shall speak to the Godfathers, etc., in this wise: "Well beloved," etc., as in the other Books.

The Priest, as we have before noticed, met the children, the Sponsors, and people with the children, at the Church door, where part of the Office took place. Then they moved into the Church toward the Font, invoking the Lord to receive the children into his household; and at the Font the Rite was completed. So, in the Burial Office, the Priest meets the body at the entrance of the Churchyard, and goes before it to the Altar. The first and the last of the Holy Offices thus began at the threshold of God's Temple.

* Bully, 237; Procter, p. 366.

1789.

1552.

§ 15. Questions
to Sponsors.

The Minister shall then demand of the Sponsors as follows ; the questions being considered as addressed to them severally ; and the answers to be made accordingly : “ Dost thou, in the name of,” etc.

Priest .
Godfathers
and Godmothers
these questions
following :
“ Dost thou” .

In 1559 the Rubric was the same as the above of 1552. In 1662, the Priest, immediately after the address to the Sponsors, proceeds : “ I demand, therefore—Dost thou,” etc. In 1549 the Rubric was :

“ Then shall the Priest demand of the child which shall be first baptized these questions following, first naming the child, and saying : ‘ *N.*, dost thou forsake,’ ” etc. But in 1662, the question was : “ Dost thou, *in the name of this child*, renounce,” etc., as in our own.

In Hermann’s Consultations, the demand is addressed to the Godfathers and Parents. In the Use of Sarum, it was to the child, “ Dost thou renounce,” etc., and the answers of the Sponsors were : “ I renounce”—and so to each of the ensuing two questions.

These inquiries were, in the Book of 1549, eight in number. The matter of our first question was broken into three, and separate answers were given ; then came questions as to belief in Articles of the Creed. A seventh question was : “ What dost thou desire ? ” and the answer was : “ Baptism.” And the last : “ Wilt thou be baptized ? ” The answer was—“ I will.”

The Book of 1552 combined the three first inquiries into one. Then the Creed was recited at length, and a belief demanded ; and the last question was : “ Wilt thou be baptized in this Faith ? ”

The same is the Form in 1662, with the question added : “ Wilt thou obediently keep ? ” etc.

In the Rite of Constantinople the question was : “ Dost thou renounce Satan, and all his works, and all his angels, and his service, and his pomp ? ” The Catechumen answered,

or his Sponsor if he be a Barbarian or an Infant, "I renounce them."

Various other questions follow, among them, "Dost thou believe in Christ?" and the answer is—"I believe in him as King and God."*

In the present Armenian Office, the renunciation is: "We renounce Satan and all his wiles, his evil will, his thoughts and ways, his evil angels—these we steadfastly renounce, and turn ourselves to the light and knowledge of God." *The Sponsor, then turning to the East, saith: "We will return to the light of the knowledge of God."*†

It was an old subject of censure by the Greek of the Latin Church, that the latter used the Apostles' Creed in Baptism instead of the Nicene. Mr. Neal vindicates the Western Church in this particular, as most conforming to primitive usage.‡

Our own question differs from that in the English Books by condensing it into—"Dost thou believe in all the Articles of the Christian Faith as contained in the Apostles' Creed?"

1789.

1662.

§ 16. The Petitions. Then shall the Minister say: . . . Priest
"O Merciful God, grant," etc. . . .

Then follow four petitions—that the old Adam may be so buried, that the new man may be raised up; for the death of sinful affections and growth of things of the Spirit; for strength against the enemies of his spiritual being; and, lastly, that the one so dedicated by sacerdotal ministry may be endued with heavenly virtues, and everlastingly rewarded.

Part of the ensuing prayer is, that God would sanctify the water to the mystical washing away of sin; and that the child, now to be baptized therein, may receive the fullness of grace.

The four supplications of our own Book are found, some of them in words, and all substantially, in the Book of 1549,

* Neal's Hist., 2, 956.

† Ibid., 957.

‡ Ibid., 968.

in the Office for Private Baptism ; but many others were added. In 1552 they were reduced to the four which have remained almost without variation ever since.

The prayer for the sanctification of the water follows these four supplications in the same language as in the Book of 1662. The Book of 1549 had such a prayer, though more fully, in the Office of Private Baptism ; but it was a general sanctification implored for water kept for several days for christening. The prayer was to be used when the water was renewed. In section 6, ante, we have cited it at length, and similar Benedictions of the water from Eastern Offices.

	1789.	1662.
§ 17. The Act and Words.	Minister	Then the Priest shall take the
.	.	child into his hands, and shall
.	.	say to the Godfathers and God-
.	.	mothers—"Name this child."
.	.	And then, naming it after them
them, he shall dip it in	(if they shall certify him that the	
the water discreetly, or	child may well endure it), he shall	
shall pour water upon	dip it in the water discreetly and	
it, saying . . .	warily, saying, "N., I baptize thee	
.	in the name of the Father, and	
.	of the Son, and of the Holy	
.	Ghost. Amen." But if they shall	
.	certify that the child is weak, it	
.	shall suffice to pour water upon	
.	it, saying the aforesaid words.	

The Rubric in 1552 and 1559 was similar to the above of 1662.

In 1549 it was : Then the Priest shall take the child in his hands, and ask the name. And, naming the child, shall dip it in the water thrice ; first dipping the right side ; second, the left side ; the third time dipping the face towards the Font ; so it be discreetly and warily done, saying : " N., I baptize thee in," etc.

And if the child be weak, it shall suffice to pour water upon it, saying the aforesaid words.

The practice of baptizing by immersion is shown by Bingham to have been of the highest antiquity, and almost universal.* But the exception of sickness and danger of life was allowed, and affusion was common, or even aspersion or sprinkling. When one was to be baptized in prison, this was enough.

There was also a Trine immersion in reference to the Holy Trinity. "We dip not once but three times, at the naming of every person of the Trinity," is the language of Tertullian. St. Basil, St. Jerome, and others are cited to the same effect.† The Apostolical Canons so fully recognize it, that a Minister was to be deposed, who should administer the rite with only one immersion in the name of Christ. The general custom of the Eastern Churches is a trine immersion, or at least a trine affusion upon the head—the body being in the water.‡

A change from a trine to a single immersion was sanctioned by Gregory the Great, and directed by the Council of Toledo, A.D. 633. The course relating to it is interesting. It shows how entirely either mode was to be vindicated or condemned, with reference to the integrity of the doctrine of the Trinity. The Arians had interpreted the triple act as indicating a division of the Godhead; and to repel this the Pope and the Council recommended only one. The language of the Council is—"The unity of the Deity and the Trinity of persons is signified by it; the unity by a single immersion, and the Trinity by giving Baptism in the name of the Father, Son, and Holy Ghost." Bingham states also how extensively the decision of the Council was censured. "If we abandon all things which the Heretics have perverted, there will nothing remain to us," was the language of one of eminence. And Vossius states, that trine immersion (or what corresponded to it, trine aspersion) was the general practice of all Churches upon earth.§

The Sarum Use prescribed three immersions, varying the

* Antiq., iv., 177, etc.

† Neal's Hist., ii., 949.

† Antiq., iv., 188.

§ Bingham, iv., 194.

position of the child, and we have quoted the similar Order in the Book of 1549. We have seen that this was omitted in 1552 and subsequently. Wheatly thinks that the matter is left to the judgment and discretion of the Minister, whether to use one or three dippings or affusions.* The author of the Annotated Prayer-Book justifies the latter course. Mr. Robertson cites also some authorities as to this use.†

On the other side, Bishop Mant, and the Rev. Dr. Wilson, his editor, are clearly of opinion that but one affusion is proper.‡

Our Rubric, by the words, "pouring water," does not mean mere sprinkling, but what is termed affusion.§ The words used have been the same since 1549. They are the words employed in the Formularies of the Western Church everywhere. In the Eastern they are substantially the same, but with some variations.

In the Orthodox Eastern Church, the third person is used: "*N.*, the servant of God, is baptized in the name of the Father, and of the Son, and of the Holy Ghost, now and ever, and to ages of ages. Amen."

Mr. Neal notices the subtlety of the grounds on which the Latin Church censures the Greek for this usage, and the keen response of the Greek writers.|| The Council of Florence declared either Formula valid.

Mr. Neal also points out that in some of the Nestorian Offices the Form was broken up thus: "*N.* is baptized in the name of the Father; *People*, Amen. And of the Son; *People*, Amen. And of the Holy Ghost; *People*, Amen." This, he says, was harmless or even pious. But sometimes it was the Priest who said the Amen at the end of each clause. This he condemns, quoting Neophytus Rodius as saying: "The whole virtue of Baptism lies in the words of Christ, in the middle of which no other word or saying should be interposed; but the Priest is bound to say that,

* On the Common Prayer, 352.

† How to Conform, p. 218.

‡ On the Rubric, 41, 42.

§ Sharpe on the Rubric, 25; Procter, 371.

|| Neal's Hist., ii., 951.

and that alone, which Christ ordained. Christ in this Formula did not say Amen ; wherefore the Priest ought not to add to it. There is no reason, however, against subjoining *Amen* at the end ; because the Form of the Sacrament is now complete."

The breaking up of the Form, even by the People's Amen, seems but little less objectionable.

In the Book of 1549, after the Baptism, was a § 18. The Chris-
om and Uction
of 1549. Rubric, that the Godfathers and Godmothers

shall take and lay their hands upon the child, and the Minister shall put upon him his white vesture, commonly called the Chrisom, and say : "Take this white vesture for a token of thine innocency, which by God's grace in the Holy Sacrament of Baptism is given unto thee ; and for a sign whereby thou art admonished, so long as thou livest, to give thyself to innocency of living, that after this transitory life, thou mayest be partaker of the life everlasting."

Then the Priest shall anoint the head, saying : "Almighty God, the Father of our Lord Jesus Christ, who hath regenerated thee by water and the Holy Ghost, and hath given unto thee remission of all thy sins ; he vouchsafe to anoint thee with the unction of his Holy Spirit, and bring thee to the inheritance of everlasting life. Amen."

These ceremonies are found also in the Eastern Offices. They have been omitted in the English Church since 1552.

1789.

1662.

§ 19. The Cross-
ing. Then the Minister shall say : . Priest .
"We receive this child," etc. . . .

Marginal Rubric. . . .

Here the Minister shall make a cross . . .
upon the child's forehead. . . .

If those who present the infant shall desire the sign of the cross to be omitted (although the Church knows no worthy cause for scruple concerning the same, yet in that case) the Minister may omit that

1789.

1662.

part of the above which follows the immersion or the pouring of water on the infant.

We see that there is no such discretion permitted in the English Book.

We have before stated the direction as to signing the cross upon the forehead and breast, with the words used in the Book of 1549. It was done at the door of the Church before going to the Font. We have also noticed the practice directed in other Formularies.

It is sufficient to refer to the authority of Bingham as to the practice of the early Church in this particular.* That the sign of the cross accompanied the Unction seems clear. And in one of the Eastern Offices, the direction is explicit. After the benediction of the oil, follows—"And he signs with the sign of the cross, the forehead, breast, and both ears of the child, saying: 'In the name of the Father, and the Son, and the Holy Ghost. *Amen.*'"

In another Form, the children were thrice signed on the forehead without oil, saying: "*N.* is signed in the name of the Father: *Amen*; and of the Son: *Amen*; and of the Holy Ghost: *Amen.*" After the Exorcism they are signed with oil thrice, and with similar words.†

In Hermann's Consultations, the order was: "After making the image of a cross on the forehead and breast, let him (the Priest) say, 'Take the figure of the Holy Cross on thy forehead, that thou never be ashamed of God and of Christ, thy Saviour, or of his Gospel; take it also on thy breast, that the power of Christ crucified may be to thee a perpetual succour, and sure protection in all things.' " ‡ *N.*

* Antiq., iv., 159-163.

† Neal's Hist., ii., p. 968.

‡ Procter, 373; and Bully, 275.

NOTE.—Within a few weeks after this passage was written, there was the announcement of the death of Dean Alford. The following exquisite lines by him are like a translation of Hermann.

"In token that thou shalt not fear
Christ crucified to own,
We print the cross upon thee here,
And stamp thee His alone.

The 30th Canon of 1603 contains such a full and masterly exposition of the grounds on which the Church retains this ceremony, as should dispel every scruple concerning it. The last sentence is as follows: "The use of the sign of the cross in Baptism, being thus purged from all Popish superstition and error, and reduced in the Church of England to the primary institution of it, we hold it the part of every man, both Minister and other, reverently to retain the true use of it, as prescribed by authority; considering that things, in themselves indifferent, do in some sense alter their natures when they are either commanded or forbidden by a lawful Magistrate, and may not be omitted at every man's pleasure, contrary to the law when they are commanded, nor used when they are prohibited."

Bishop Brownell thinks that the permission to omit the sign has been the cause of such omission being rarely asked.

1789.

1662.

§ 20. Declaration. Then shall the Minister say: . Priest .
 "Seeing now, dearly beloved," etc. . . .

This Declaration and Invocation to Thanksgiving were introduced in 1552, and were the same in 1559. The words at first were, "grafted into the body of Christ's Congregation." In 1662 they were altered to "Christ's Church."

We do not enter at this place upon the interpretation of the term "*regenerate*," here unequivocally asserted as to the infant. In a subsequent part we have stated what the Ecclesiastical Tribunals have decided, as well as the views of Bishops and Divines. Bishop Brownell, in the Family Prayer-Book, has a copious collection of authorities.* Suffice

"In token that thou shalt not blush
 To glory in His name,
 We blazon here upon thy front
 His glory and His shame.

"Thus outwardly and visibly
 We seal thee for His own;
 And may the brow that wears His Cross
 Hereafter share His Crown."

* Page 418.

here to say, that Sir Herbert Fust gave to the term a sense wholly distinct from that of conversion built on Faith, viz. : that it was a change of relation towards God, from that of children of wrath (and condemnation) to that of children of grace (and salvability).

1789.

1662.

§ 21. The Lord's Prayer. Then shall be said, all kneeling : . . .
"Our Father, who art," etc. . . .

The Lord's Prayer was introduced in this place in 1552. In 1549 it was inserted immediately after the Exhortation following the Gospel.

By the Apostolical Constitutions (vii., 44, 45) those newly baptized were immediately to repeat the Lord's Prayer, and some other prayers.

1789.

1662.

§ 22. Thanks-giving. Then shall the Minister say : . Priest .
"We yield thee hearty thanks," etc. . . .

This Rubric and Thanksgiving are first found in the Book of 1552, but the words "holy Church" twice used were then "holy Congregation." The change to the former was made in 1662.

Here again are the solemn assertions, that it hath pleased God to regenerate the infant by his Holy Spirit; that he hath received him for his own child by adoption; and that he hath incorporated him into his Holy Church.

1789.

1662.

§ 23. The Exhortation to Sponsors. Then, all standing up, the Minister shall say to the Godfathers and . Priest .
Godmothers this Exhortation fol- . . .

lowing : "Forasmuch as this child," etc. . . .

This Rubric and the Exhortation have been the same since 1549, with slight variations of language.

1789.

1662.

§ 24. The Injunction as to Confirmation. Then shall he add, and say : "Ye . . .
are to take care that this child," . . .
etc.

In the Books prior to 1662 this injunction was in the form of a Rubric. "The Minister shall command the child," etc.

§ 25. Omitted
Rubrics.

Two Rubrics are found at the end of the Office of 1662 which we have omitted :

1. It is certain, by God's word, that children which are baptized, dying before they commit actual sin, are undoubtedly saved.

2. To take away all scruple concerning the use of the cross in baptism, the true explication thereof, and the just reasons for retaining it, may be seen in the thirtieth Canon, first published in the year 1604.

THE MINISTRATION OF PRIVATE BAPTISM IN HOUSES.

§ 26. Private
Baptism.The title of the Office is: *The Ministration of
Private Baptism in Houses.*

1789.

1662.

The Minister of every Parish shall	.	Curates	.
often admonish the people that they	.	.	.
defer not the baptism of their chil-	.	.	.
dren longer than the first or second	.	.	.
Sunday after their birth, or other Holy	.	.	.
Day falling between, unless upon great	.	.	.
and reasonable cause.		to be approved by	
		the Curate.	

And they shall warn them that,	.	.	.	.
without like great cause and necessity,	.	.	.	.
they procure not their children to be	.	.	.	.
baptized at home in their houses.	.	.	.	.
But when need shall compel them so	.	.	.	.
to do, then baptism shall be adminis-	.	.	.	.
tered <i>as followeth</i> :	.			<i>on this fashion.</i>

First, let the Minister of the Parish	.	.	.	.
(or, in his absence, any other lawful	.	.	.	.
Minister that can be procured), with	.	.	.	.
those who are present, call upon God,	.	.	.	.
and say the Lord's Prayer, and so	.	.	.	.
many of the Collects appointed to be	.	.	.	.
said before in the Form of Public	.	.	.	.
Baptism as the time and present	.	.	.	.
exigence will suffer. And then, the	.	.	.	.
child being named by some one who is	.	.	.	.
present, the Minister shall pour water	.	.	.	.
upon it, saying these words:	.	.	.	.

"N., I baptize thee in the name of	.	.	.	.
the Father, and of the Son, and of the	.	.	.	.
Holy Ghost."	.	.	.	.

The Rubric of 1549 was: *When great need shall compel*

them so to do, that then they minister on this fashion. Let them that be presented call on God, etc., and then one of them shall name the child, and dip him in the water, or pour water upon him, saying, etc., “N., I baptize thee,” etc.

1789.

1662.

The Thanks- giving.	Then the Minister shall	Then, all kneeling
	give thanks unto God, and	down, the . . .
say, “We yield thee hearty thanks,”		. . . . .
etc.		. . . . .

This Thanksgiving is not found in any of the Books before 1662.

1789.

1662.

The Validity.	And let them not doubt but that	. . . .
	the child so baptized is lawfully	. . . .
and sufficiently baptized, and ought not to be		. . . .
baptized again.		. . . .

The Rubric was the same in all the previous Books, the words “in the Church” being added after the word *again*. It cannot be reasonably contested that this Office could, under the Books of 1549, 1552, and 1559, be used by Laics. The language clearly comprehends them; indeed, seems to imply that none others were present.

In 1575 there was a body of Articles adopted by the Convocation of Canterbury, the twelfth of which was: “That as doubts had arisen by what persons Private Baptism shall be administered; and since by the Book of Common Prayer the Bishop of the Diocese was the arbiter of ambiguities, it was now by the Archbishop and Bishops expounded and resolved that the said Private Baptism, in case of necessity, should only be ministered by a lawful Minister or Deacon called in for that purpose, and by none other.*

It is stated that Elizabeth did not sanction these Articles. But in the Conference of 1604, it appeared that the Bishops had generally, in their visitations, censured the practice of Lay administration of Private Baptism; and

* Joyce’s Sacred Synods, 581; Procter, 378.

King James was earnest against it by women and Laics. The title was then changed into—"Of them that are to be baptized in private houses in time of necessity by the Minister of the Parish, or any other lawful Minister which can be procured." And the *Lawful Minister* was to call upon God for his grace, and the said Lawful Minister was to baptize the child.

Though the Book of 1662 did not adopt the title of that of 1604, it is quite as clear as to the necessity of a Lawful Minister to perform the Rite.

Nor can there be a shadow of doubt that the Church meant, by other *Lawful Minister*, one of its own ordaining. He is put on the same footing as the Minister of the Parish.

Bishop Fleetwood's positions cannot be overthrown :

1. The Church of England does certainly call for and require a Lawful Minister to be the administrator of Baptism.

2. The Church of England does certainly (at least since 1661 or 1662) mean a Minister Episcopally ordained.

3. The Church of England neither allows nor permits any other than such as are Episcopally ordained to administer Baptism.

4. And hence does hereby, implicitly at least, forbid any other to baptize.

Strong and decided as this is, yet, as we shall see hereafter, Bishop Fleetwood held Lay Baptism was not a nullity.

One point is clear, that Private Baptism, in the Form prescribed, made by a Minister of the Church, is as effectual for every spiritual effect upon the child, as if publicly ministered in the Church with the full Office.

The course which has sometimes crept in, of using part of the Public Form at this time, is plainly unjustifiable. When the Church has explicitly set forth one Form and Order, it excludes everything else. Archdeacon Yearly states this with great decision, and Bishop Brownell, by quoting, appears to adopt the view.*

Canon 69 of the Canons of 1603 made a Minister liable

* Family Prayer-Book, 425.

to suspension, who, being informed of the weakness and danger of a child in his parish, should neglect or defer going to and baptizing it, should it die unbaptized.

Dr. Lawrence, an eminent lawyer of England, gave an opinion, that under this Canon the Clergyman was bound to baptize the child of a Dissenter. Even Popish Recusants were bound to bring their children to the Parish Church for Baptism, and hence the Minister was to baptize * them.

1789.

1662.

Yet, nevertheless, if the child which is	.	.	.
after this sort baptized, do afterwards live,	.	.	.
it is expedient that it be brought into the	.	.	.
Church, to the intent that if the Minister	.	.	.
of the same Parish did himself baptize that	.	.	.
child, the congregation may be certified	.	.	.
of the true form of Baptism by him pri-	.	.	.
vately before used, in which case he shall	.	.	.
say thus—	.	.	.

“I certify you,” etc.

“But if the child were baptized by any other lawful Minister, then the Minister of the Parish where the child was born or christened, shall *examine* whether the same were lawfully done. And if the Minister shall find by the answers of such as bring the child that all things were done as they ought to be, then shall he not christen the child again, but shall receive him as one of the flock of true Christian people, saying—”

The Rubric of 1662, after the word *examine*, above italicized, had the following: “And try whether the child was lawfully baptized or no; in which case, if those who bring any child to the Church do answer that the same child is already baptized, then shall the Minister examine them further, saying:

“By whom was this child baptized?

“Who was present when this child was baptized?

“Because some things essential to this Sacrament may

* Burns' Ecc. Law, i., p. 115.

happen to be omitted through fear or haste, in such times of extremity, therefore I demand further of you—

“With what matter was this child baptized?”

“With what words was this child baptized?”

Then the Rubric proceeds in the same language as our own, with the words: “And if the Minister shall find,” etc.

The questions are framed upon those of 1549, before stated. But both in that Book and in the one of 1552, there was the question, whether they thought the child to be lawfully and properly baptized.

But the certifying Formula in our Book differs from the English in a striking point. From 1549 there has been, after the words “baptizing of this child,” these words: “Who, being born in original sin and in the wrath of God, is now, by the laver of Regeneration in Baptism, received into the number of the children of God, and heirs of eternal life.” Then ensued, “for our Lord,” etc., as in our own Office.

1789.

Then the Minister shall say as follows, or else shall pass on the questions addressed to the Sponsors:

“Hear the words of the Gospel,” etc.

There is no such alternative in the English Office.

The Exhortation upon the Gospel and the Lord’s Prayer, as well as the Gospel itself, may be omitted at the discretion of the Minister.

1789.

Then shall the Minister demand the name of the child; which being by the Godfathers and Godmothers pronounced, the Minister shall say as follows: “Dost thou, in the name of this child,” etc. The questions are the same as in the Public Office, omitting “Wilt thou be baptized in this faith?”

In the Book of 1662, the Apostles’ Creed is put in the form of a question, Article by Article.

Then the Minister shall say: “We receive,” etc. This is the same as in the Public Office. And a Rubric directs that the same rule is to be observed here, as to the omission of the sign of the cross, as in the Public Baptism of Infants.

Then shall the Minister say: "Seeing now," etc. This is the same as in the Public Office. The Book of 1662 is the same.

Then shall be said, all kneeling: "We yield thee," etc., as in the Public Office.

Then, all standing up, the Minister shall say to the God-fathers and Godmothers, this Exhortation following: "*Forasmuch*," etc., as before.

Then shall he add, and say: "*Ye are to take care*," as before. This is not found in the English Office.

1789.

Conditional Baptism. But if they who bring the infant to the Church do make such uncertain answers to the Minister's questions, as that it cannot appear that the child was baptized with water in the name of the Father, and of the Son, and of the Holy Ghost, which are essential parts of Baptism; then let the Minister baptize it in the Form before appointed for Public Baptism of Infants, saving that at the dipping of the child in the Font, he shall use this form of words: "If thou art not already baptized, *N.*, I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost. Amen."

The English Rubric of 1662 is precisely the same, and so with slight variations were the Rubrics in the previous Books.

This conditional Baptism is stated to be first found in the statutes of St. Boniface, Archbishop of Metz, about A.D. 745. It is reasonable to conclude that his words represent the established usage of the ancient and settled Churches of Europe, when he wrote. (Annotated Prayer-Book, p. 235.)

§ 27. Conclu- Some conclusions upon the subject of Private
sions. Baptism seem reasonably clear.

(1.) The law of the Church prescribes—ancient usage and Canons admonish—and the true idea of a Sacrament teaches, that Baptism should be had in a Church openly, before the Congregation, that they may unite in the public act, witness the recovery of a child from its inherited guilt, and gladly

attest its membership with the body of Christ's Church on earth. The Church tolerates Private Baptism, and no more. It is to be used in "cases of great cause and necessity;" "when need shall compel;" "when the child is in peril of life;" "when extreme necessity urges." Such is the language of many Rituals. Hermann's is of great weight—"Of the Baptism of the newly-born, on account of danger of life."

Now in our land, under many circumstances, besides the peril of death, a resort to a Church for Baptism is nearly impracticable. This is one case of "great necessity." It is a "compelled need." The Minister of the Church is then obliged to baptize. The circumstances justifying it must be within his discretion, the counsel of his Bishop being courted. When this may not be had, either by general instruction or in special cases, his own judgment must be the guide, instructed by the plain desire of the Church for Public Baptism. But if, as is clearly the case in the vast multitude of our settled parishes, there is convenient opportunity for having the service in Church, the Minister and the Parents are utterly unjustifiable in using Private Baptism. In such a case, there must be a conscientious, rational belief, that there will be peril, if the child be taken forth. The responsibility for this rests more with Parents than with the Minister, for he may not assume to judge of the character of the sickness alleged. But he is bound to urge upon Parents the offence they commit against the explicit and religious teaching of the Church, if they lightly, or without deep rational apprehension of peril, seek for a Baptism at home.

The words of the celebrated Evelyn may have weight, from the attractions of the Diary, where other arguments would fail. "I urged, that when they were about to reform some particulars in the Liturgy, Church Discipline, Canons, etc., the baptizing in private houses without necessity might be reformed; it proceeding much from the pride of women bringing that into custom which was only indulged in case of imminent danger, or out of necessity during the Rebel-

lion. To this Archbishop Sancroft, and Lloyd, Bishop of St. Asaph, heartily assented, utterly disliking it." *

Among the strange extravagances of Puritanism, which Cartwright affirmed and Hooker demolished, was the one that, though part of the institution be observed, yet if the whole was not, it was no Sacrament, and it was part of the institution, that Baptism should be done in the Congregation by the Minister; indeed, that even if infants, dying without Baptism, were assuredly damned (which is false), yet ought not the orders which God hath set in his Church to be disobeyed. The indignant eloquence of Hooker, in reply to this, is familiar: it ends, "Since no institution of Christ hath so strictly tied Baptism to public assemblies as it hath done all men unto Baptism, away with these merciless and bloody sentences: let them never be found in the books and writings of a Christian man." †

(2.) I have before stated the grounds upon which it is made clear that this Office of Private Baptism can only be administered, within the law of the Church, by a Minister thereof.

(3.) Of course, the law of the Church does not permit a Layman to perform the rites according to that Office. Here, as elsewhere, we must bear in mind the distinction as to the impropriety of one performing the act, and its nullity if performed. This delicate subject is examined hereafter under the head of Lay Baptism.

And here the words of Hooker are deserving of deep meditation: "It behooveth generally all sorts of men to keep themselves within the limits of their own vocation. And seeing God, from whom men's several degrees and pre-eminences do proceed, hath appointed them in his Church, at whose hands his pleasure is that we should receive both Baptism, and all other public medicinal helps of the soul; they have small cause to hope that with him their voluntary services will be accepted who thrust themselves into functions, either above their capacity, or besides their place,

* Evelyn's Diary, App. 12, 1689.

† Ecc. Polity, v., 61-4.

and over-boldly intermeddle with duties whereof no charge was ever given them. They that in any thing exceed the compass of their own order do as much as in them lieth, to dissolve that order which is the harmony of God's Church." *

And if, in a case of manifest need, a thoughtful member of the Church, deeply conscious of the inappreciable value of valid Baptism, and believing that the Church will not hold his own act null, should be inclined to perform it, we would press upon him the words of Dean Comber: "Certainly it is a great presumption for an ordinary person to invade the Ministerial Office without any warrant. And as to the pretence that the child may be in danger, I suppose the salvation of the child may be as safe upon the stock of God's mercy without any Baptism, as with a Baptism which is not commanded by God, and to which he hath made no promises. So that, where God gives not opportunity of a person who may do it aright, it seems better to leave it undone."

Here, it seems to me, is the resting-place of truth and prudence. We, the faithful lay members of the Episcopal Church, should not ever baptize. Thus, in contrast to Rome, we adhere to the great doctrine of a ministerial succession for sacred Offices; and we exalt Baptism, as a Sacrament, even more than the Romanists do.

The following remarks upon the effect and efficacy of the Baptism of Infants are submitted with a full consciousness of their inutility for the Divine and scholar, but with the hope that they may be of service in aiding my brethren of the Laity in their reflections.

And first, we shall endeavor to present the statements of Scripture, almost exclusively those of the Saviour, upon the subject:

"Jesus went from Galilee to Jordan, to be baptized of John. John said: 'I have need to be baptized of thee, and comest thou to me?' Jesus answered: 'Suffer it to be so, for thus it becometh us to fulfill all righteousness.' "

* Book v., 62, 13.

When the Baptism was finished, the Spirit of God descended like a dove upon him, and the voice from heaven was heard: "This is my beloved Son, in whom I am well pleased." (St. Matthew, iii.) The narrative in St. Mark and St. Luke is substantially the same. (St. Mark, ch. v.; St. Luke, iii. 21.)

"After these things came Jesus and his disciples into the land of Judea, and there he tarried with them and baptized." (John, iii. 22.)

"And they came to John, and said to him, 'Rabbi, he that was with thee beyond Jordan, behold the same baptizeth, and all men come unto him.'" (John, iii. 26.)

"When therefore the Lord knew how the Pharisees had heard that Jesus made and baptized more disciples than John, (though Jesus baptized not, but his disciples,) he left Judea," etc. (John, iv. 1-3.)

"And Jesus called a little child unto him, and set him in the midst of them." (Matthew, xviii. 2.)

"Except ye be converted, and become as little children, ye shall not enter into the kingdom of heaven." (Ibid., 3.)

"Whoso shall receive one such little child in my name receiveth me." (Ibid., 5.)

"Take heed that ye despise not one of these little ones; for I say unto you, that in heaven their angels do always behold the face of my Father which is in heaven."

"For the Son of Man is come to save that which was lost." (Ibid., 10, 11.)

"Even so it is not the will of your Father which is in heaven, that one of these little ones should perish." (Ibid., 14.)

There are other texts to be noticed :

"Verily, verily, I say unto you, except a man be born again, he cannot see the kingdom of God." (John, iii. 3.)

"Except a man be born of water and the Spirit, he cannot enter the kingdom of God." (Ibid., 5.)

As explanatory of the sense of these passages, we may refer to the following—"of his own will begat he us with the word of truth, that we should be a kind of first-fruits of his creatures." (James, i. 18.)

"Being born again not of corruptible seed, but of incorruptible, by the word of God, which liveth and abideth forever." (1 Peter, i. 23.)

Again—"Go ye and teach (make disciples of) all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost." (Matthew, xxviii. 19.)

When we study these passages, and give them the sense which the language naturally bears, we must arrive at the following conclusions :

At the beginning of the Saviour's ministry, before an act was done or precept uttered, he required baptism to be ministered to him.* It was to fulfill a law ; a law of Judaism, it is said. True, but it was a righteous law. It was not a formalistic Rite.

Again, we cannot but be struck with the fact, that it was immediately after the Baptism by Water, that the Spirit came down visibly upon him, and the words "Hear ye him," were uttered. The introduction to his Priesthood on earth was through this joint operation of water and the Spirit. It was his consecration for the Ministerial Office as man. It was a prefigure and proof of the necessity of both for every one coming as a disciple under his dispensation. What he thus made essential for ministering must be necessary for those ministered unto, and to qualify future Ministers.

Admitting that the passage "Yet Jesus baptized not, but his disciples," qualifies the previous express statements as to his performing the Rite, we have it clearly proven, that he commanded or sanctioned the performance by his disciples ; and we have the right to infer that this baptism was that of the Holy Ghost, was in the form directed in his last instruction to his Apostles, and the attendant and immediate attendant of his ministry.

Again, it will be seen that we have brought together a series of texts found in the eighteenth chapter of St. Mat-

* The listening to and questioning the Doctors in the temple is not an exception. Luke, ii.

thew, viz.: vers. 2, 3, 5, 10, 11, and 14. We submit that this is justifiable; that they plainly have a continuity of the same subject, and the other and intermediate verses are interjectional or explanatory.

If this is so, then it is, as we think, impossible to avoid these results:

That children were among the lost; that it was the will of God that not one of them should perish; that the Son of Man came to save them as well as others; that this was so fully and surely accomplished through him, that the souls of children have a peculiar privilege in heaven; and that the adult must become, in innocence and simplicity and trust (which in him is faith), like the child, to be saved; and that was conversion.

If our attention was limited to these texts of Scripture, it might be urged that the tenet of Zwingle, that infants, dying without actual sin, were assuredly saved whether baptized or not was correct. But Zwingle held that original sin was a disease merely, and would not bring with it condemnation until a person, corrupted by it, broke God's laws. This is a qualification of the doctrine of Pelagius, that newborn infants are in the condition of Adam before his fall.

But it is most palpable, we think, that the Saviour includes children among the lost, among those whom he came to save, according to the will of the Father that none should perish. And then we are led to give place and force to the other passages from his own lips as to the necessity of a birth of water and the Spirit.

Do these passages comprehend infants? It cannot be questioned. Not only is there no restriction to man as distinguished from child or woman, but the original means any one, every human creature whatsoever. Such is the sense given by the leading Commentators, as we understand.*

We may condense this argument from Scripture thus: The child is among the lost; the child is among those to be saved by the atonement. But the virtue of that atonement

* Beveridge, Vol. I., p. 304; Brown on the Articles, p. 679, n.; Mercy to Babes, p. 210; Origen, as quoted by Bingham, Vol. IV., p. 64.

is applied only by a birth through water and the Spirit. Man uses the water, and there is a covenant that God will give enough of the Spirit to produce remission or absolution of original sin. It were impiety to doubt of this being given; for else the declared will of God that this portion of the lost should be saved, is not fulfilled.

We may notice one objection to the passages in St. Matthew, as to little children. It has been contended that the Saviour refers in the 14th verse to meek-hearted persons, like unto children in gentleness, or to children and the meek together. Bishop Henry Onderdonk shows that there can be no subject to which the phrase, "these little ones," in the 14th verse, can refer, but the "little child" and "little children" of the earlier verses. And his argument is very forcible to prove that the "angels" of children in the 10th verse, are their spirits when translated from earth to heaven. (*The True State of Children*, Works, Vol. I., p. 388.)

§ 29. Union of the Water and the Spirit. The union of the water and the Holy Spirit in order to render the Baptism of Infants efficacious, appears to be a plain tenet of the Church. In the case of adults, this is admitted as Scripturally essential. There must be a birth of water and the Spirit.

"Water alone," says St. Cyprian, "cannot cleanse sins, and sanctify a man, unless it hath also the Holy Ghost. So that they must of necessity admit, either that the Holy Ghost is there where they say there is Baptism, or that there is no Baptism where the Holy Ghost is not, because there can be no Baptism without the Holy Ghost. For that Baptism is that in which the old man dies, and the new man is born, the blessed Apostle proves when he says he has saved us by the washing of regeneration." *

Tertullian declares: "The guilt being taken away, the punishment also is taken away. So man, who was of old in the image of God, is restored by God to his likeness, for he recovers that Spirit of God which he then received from his breathing, but lost through sin.†

* Epistle 59, apud Cary's Testimonies of the Fathers, p. 317. † Ibid., p. 341.

And again : “ The Spirit descends from heaven, and resting upon the water, sanctifies it by himself, and being so sanctified, it imbibes the power of sanctifying.”

Cranmer says : “ In Baptism we must think, that as the Priest putteth his hand to the child outwardly and washeth him with water, so must we think that God putteth his hand inwardly, and washeth the infant with his Holy Spirit.”

And Ridley : “ The water in Baptism is sacramentally changed into the fountain of regeneration. The water hath grace promised, and by that grace the Holy Ghost is given ; not that grace is included in water, but that grace cometh by water.”*

“ Seeing this is instituted by Christ himself, as we cannot be born of water without the Spirit, neither can we, in an ordinary way, be born of the Spirit without water used and applied in obedience to his institution. Christ hath joined them together, and it is not in our power to part them ; he that would be born of the Spirit must be born of the water also.” †

In the Office of Baptism the Church then affirms this necessary union, in the recital that a man must be born anew of water and the Holy Ghost, and the supplication that the child may be baptized of both ; in the prayer that the child may be washed and sanctified with the Holy Ghost ; in another that the water may be sanctified to the mystical washing away of sins ; and the thanks that the child is regenerated with the Holy Spirit.

The co-operation of the two is therefore essential ; and the necessity is avowed by the Church, to the extent of effacing from the child its transmitted sinfulness, and bringing it within the pale of salvability. The logical, plain deduction from which is, that if it die without actual sin, it is saved.

But is anything more bestowed ? Is there any continued indwelling of the Spirit ? Here we think a portion of the first Book of Edward is instructive. In that part of the

* Heartly, Bamp. Lec., p. 252.

† Beveridge, Vol. I., Sermon 35.

Office which relates to the anointing of the child, and which follows the act of Baptism, there is this explicit declaration, "That Almighty God had regenerated him by water and the Holy Ghost, and given unto him remission of his sins." And then follows the supplication, "Vouchsafe to anoint thee with the unction of the Holy Spirit, and bring thee to everlasting life."

And the Confirmation Office of 1549 illustrates the meaning of these passages, "Almighty and everlasting God, who *hast* vouchsafed to regenerate these thy servants of water and the Holy Ghost, and *hast* given unto them remission of all their sins, send down from heaven, we beseech thee, thy Holy Ghost the Comforter with the manifold gifts of grace." The language in our own Confirmation Office is nearly identical.

We apprehend that the distinction is marked. The presence of the Spirit with the water is actual, is assuredly given to the child, when the Sacrament is duly administered. It has been present and effectual for the new birth and removal of primal sin.

No more is definitely affirmed, but there is a supplication that the further influence of the Spirit for further gifts of grace may be conferred. The Prayer in our own Office, "Grant that all things belonging to the Spirit may live and grow in him," is of a similar import.

Some Divines have gone further; holding that a more powerful and more abiding influence of the Spirit has been bestowed.

Bishop Davenant says, "An infusion of grace always accompanies the forgiveness of offence. With the forgiveness of sins which restores life to the soul, there must always be understood as connected with it, an infusion of sanctifying grace, which also, in another sense, gives life. For when sin is remitted, not only is guilt taken away, but the will which had been disordered by sin and stain is restored to life and order through grace." An infusion of grace, then, is always united with this forgiveness of offence.*

* On Colossians, ii., 13; apud Royal Supremacy, 222.

And Hooker has the following passage: "The grace which is given them with their baptism doth so far depend upon the outward Sacrament that God will have it embraced not only as a sign or token of what we receive, but also as an instrument or means whereby we receive grace; because Baptism is a Sacrament which God hath instituted in his Church to the end that they which receive the same might thereby be incorporated into Christ, and through his most precious merit, obtain as well that saving grace of imputation which taketh away all former guiltiness, as also that infused virtue of the Holy Ghost which giveth to the powers of the soul their first disposition towards future newness of life."*

Thorndike uses this language: "But if we conceive the regeneration of infants that are baptized to consist in the habitual assistance of God's Spirit in making them able to perform that which Christianity requires at their hands, so soon as they shall understand themselves to be obliged by it, we give reason enough of the effect of their Baptism, whether they die or live. This is no more than the regeneration of infants by water and the Holy Ghost imparted, that the Spirit of God should be habitually present to make those reasons which God hath given to convince the world that they ought to be Christians, discernible to the understanding, and weighing down the choice." †

We presume not to speculate upon, as we are incompetent to determine, the extent of the infusion of grace in Baptism. It is sufficient for our guidance to find that the Church plainly teaches, and the Scriptures surely warrant, that baptism of an infant effaces the born taint of sin, and restores that likeness to God which had been lost; and that, as this can only be effected by the co-operation of water and the Spirit, enough of the grace of the latter is given for such a result. Waterland states the matter thus: "The second is the case of infants. Their innocence and incapacity are

* Ecc. Polity, 2 265.

† Book iii., 6-8.

to them in place of repentance, which they do not need, and of faith, which they cannot have. They are capable of being savingly born of water and the Spirit, and of being adopted into sonship with what depend thereupon; because, though they bring no virtues with them, no positive righteousness, yet they bring no obstacle, no impediment. Pardon, mercy, and other covenant privileges are made over to them, and the Holy Spirit translates them out of their state of nature, to which a curse belongs, to a state of grace, favour, and blessing; this is their regeneration." *

Stating the case no higher than this, it is obvious that a marked change is wrought in the situation of the child. The Church signifies this when it declares that the children of wrath have become the children of grace, "inheritors of the kingdom of heaven."

That this is a signal spiritual change in the position of the child, is evident. But an important distinction is here taken by eminent Divines, to which we advert.

This spiritual change of state is not an absolute moral renovation of disposition and character; is not an infused habit of grace in scholastic language; is not conversion, as is well distinguished by Herbert Fust; † is not, in Waterland's language, "A renovation which is of the inward frame or disposition of the man, the work of the Spirit and the man together."

Bishop Bethell speaks thus: "Regeneration is a spiritual grace; and, in a certain sense, every spiritual grace may be said to be moral, because it effects a change in a man's moral nature. But the word moral, to speak more properly, implies choice, consciousness, self-action, and faculties and dispositions, expanding themselves into habits." ‡ And see the Bishop of Ely's remarks upon the Rev. Mr. Simeon's view. (On the Articles, p. 646, note, N. Y. ed.)

And even the Bishop of Brechin says: "The effects of Baptism are, as to its essence, the same in all; but not of necessity its accidental effects. Essentially it was ordained

* On Regeneration, 2.

† In the Gorham case, post.

‡ Apud Brown's Articles, Art. 27.

to regenerate all men into the spiritual life ; but, accidentally, in the case of adults coming with more or less devotion, they may receive more or less the grace of newness.”*

In the General Convention of 1871, the House of Bishops set forth the following Declaration, adopted with remarkable unanimity : “ We, the subscribers, Bishops of the Protestant Episcopal Church in the United States, being asked, in order to the quieting of the consciences of sundry members of the said Church, to declare our conviction as to the meaning of the word ‘ regenerate,’ in the Office for the Ministration of Baptism of Infants, do declare that, in our opinion, the word ‘ regenerate,’ is not there so used as to determine that a moral change in the subject of Baptism is wrought in the Sacrament.”

The Bishop of Western New York, in an exposition of this Declaration, observes : “ The infant may be capable of a moral change, or he may not, so far as the language of our Offices is concerned. What our Offices do affirm, is, that the Holy Spirit operates in Baptism upon the child’s spirit ; for, ‘ being by nature born in sin, and children of wrath, we are thereby made the children of grace.’ Whether grace so operates in the unconscious child as to work a moral change before moral responsibility has begun, is unsettled by our Offices. Nobody, therefore, need scruple to use them on any such grounds, and that is what the Bishops have declared.”

In accordance with the authorities we have cited, we have, in the Declaration so explained, a recognition of the truth, that the child inherited sinfulness ; that by the operation of the Spirit in Baptism, such sinfulness is effaced, and a spiritual change produced ; that this is distinct from the moral change, which implies consciousness and choice ; and that such a change may take place (so far, at least, as that a predisposition to holiness and faith may be infused) ; but that the Offices do not affirm it does take place.

The views of St. Augustine conform to the distinction thus

* The Articles, Vol. II., p. 493.

taken—indeed, go beyond it. They are, we judge, as follows : Infants must be baptized. If baptized, and dying infants, they pass into eternal life. But in such a case there could not be a conversion of the heart as the immediate result of Baptism. He rigidly held that unbaptized infants were not saved. (See Brown on the Articles, p. 657, etc.)

We close this part of the subject with a quotation from an eminent American Divine : “The Baptism of infants before they have done good or evil, is the incipient absolution, the pardon of that sin under which they were born, by descent from Adam. In the Baptism of infants the soul is so newly from the hands of its Creator that the adversary of souls has not had time to take it captive before it is put under the protection of covenanted mercy. The Holy Ghost has applied to the soul of every baptized infant the merits of the great atonement, and if that infant dies without actual sin, he is, by the assurance of God’s word, undoubtedly saved.”*

§ 30. Tenets of other Churches, etc. The Romish doctrine and that of England in Mediæval ages is apparent from the documents.

quoted, ante, section 1. The Catechism of Trent (Sess. 5) is explicit : “The transmitted sin can only be abolished through the death of Christ, and by the merit of Christ applied to children in Baptism, as well as to adults. Baptism is essential for salvation. Baptism does save infants. Any one may administer it in case of peril.”

The Lutheran doctrine, as I understand, is this :

Regeneration is conferred in or with Baptism, and is conferred upon infants. Regeneration is not restricted to the elect. Salvation is generally dependent upon Baptism. In case of necessity, when Baptism cannot be had in the Church, the infant should not be allowed to die without it. The children of Christians are not sanctified, and in the covenant of eternal life, from the womb ; but they are fit to receive Baptism.

We deduce these propositions mainly from a work called

* S. Farmer Jarvis’ Voice from Connecticut.

Articuli Visatorii, Francke's Appendix, 119, stated fully in Hardwick's History of the Articles, p. 363. There is an enumeration of dogmas which are condemned as *falsa et erronea doctrina Calvinistarum*. The propositions set forth and condemned as such, are the converse of the propositions I have above presented. For example, "Not all who are baptized with water obtain by it grace or the gift of faith, but only the elect."

For the authenticity of this paper, as a just exposition of Lutheran views, see Hardwick, *ut supra*, and Lawrence's Bampton Lectures; and its correspondence with Luther's written statements is made out by the Bishop of Ely.* He expressly denies that in the case of infants there is need of faith. "God's work is not rendered ineffectual, because they have no power to believe. The work of God is then begun in the soul; but the effect of Baptism is a thing which remains through life." So Melancthon says: "We think that children are in Baptism made sons of God, receive the Holy Spirit, and remain in grace so long as they do not cast it forth by actual sins at the age of sufficient reason."

The Augsburg Confession has the following: "Baptism is necessary for salvation, and in Baptism the remission of sins and grace of Christ are offered (*offerantur*). We condemn the anabaptists who deny that infants should be baptized."

In the Theological Institutes, by Mr. Watson (p. 646), the following is stated as the doctrine of the Methodist Church: "Baptism secures too the gift of the Holy Spirit in those secret spiritual influences by which the actual regeneration of those children who die in infancy is effected, and which are a seed of life in those who are spared, to prepare them for instruction in the word of God."

Calvin says: "Original sin, which of itself would bring certain damnation, is by no means abolished by Baptism; but *the elect and believers* are assured by Baptism that the

* Brown's Articles, Tit. *Baptism*, Am. ed., 676, 677.

guilt of original sin will not condemn them. Ananias, when he exhorted Saul to arise and be baptized, and wash away his sins, did not mean that in Baptism, or by virtue of Baptism, sins were remitted, but that by Baptism he might have testimony and assurance that his sins had already been remitted." *

Let us carefully notice, that while Baptism is thus made of great importance, as an assurance of remission, it is only such to the elect and believers.

"As regards infants, the children of faithful parents, dying before the age of reason, are certainly saved, whether baptized or unbaptized. Therefore the children of faithful parents are not baptized that they may first become the children of God; but rather, by a solemn sign, are then received into the Church, because by virtue of the promise they already belonged to the body of Christ." †

As to adults his language is: "He which is not a Christian before he comes to receive Baptism, cannot be made a Christian by Baptism, which is only the seal of the grace of God before received."

There is, however, in his Institutes, the following striking passage: "'How,' ask they (the opponents of Infant Baptism), 'can infants be regenerate, who have neither good nor evil?' We reply, God's work is not of none effect, though not down to our understanding. *It is clear that infants who are saved must first be regenerate.* For if they bear a corrupt nature from their mothers' womb, they must be purged of it before entering God's kingdom, where nothing entereth polluted or defiled." ‡ He is plainly attributing this sufficient regeneration to Baptism, and this passage is in close correspondence with Lutheran views. But his strong doctrine as to election must be considered in forming a just estimate of his conclusions. They are noticed hereafter.

The Council of Charenton, 1623, declared as follows:

* Lawrence's Doct., etc., p. 89.

† Inst., iv., 10, 20.

‡ Inst., iv., 16, 17; Brown on the Articles, 646.

“The Word of God testifieth that the children of believers are holy through the singular benefit of the covenant of grace in which they are included with their parents ; therefore, fathers and mothers fearing God should not doubt of their children’s election and salvation, whom God takes to himself in their infancy.” *

The 34th Article of the Confession of Faith of the Synod of Dort contains statements similar to those of Calvin, as to the Baptism of children, and by the 17th Canon of the first Head of Doctrine it is declared that “the children of believers are comprehended in the Covenant of Grace, and godly parents have no reason to doubt of the election and salvation of their children whom it pleaseth God to call out of this life in their infancy.”

Zwingle held, that infants are undoubtedly saved dying without actual sin, whether baptized or not. But he held that original sin was a disease, which is not culpable in itself, nor can bring with it the pain of damnation, until a person, corrupted by its contagion, transgresses God’s law.

In the Confession of Faith of the Presbyterian Church in the United States it is laid down : “Not only those who do actually profess faith in, and obedience to, Christ, but also infants of one or both believing parents, are to be baptized.”

“By the right use of this Ordinance, the grace promised is not only offered, but really exhibited, and conferred by the Holy Ghost to such (whether of age or infants) *as that grace belongeth unto according to the counsel of God’s own will in his appointed time.*” See also the Larger Catechism, Question 166, and Chapter vii. of the Directory.

In some of these statements we find the clear assertion, that the children of believing parents are children of God, need not baptism, and are saved if they die before actual sin. Yet their baptism is proper as a sign of their admission into the Church.

In the Presbyterian Confession, however, Baptism seems

* Quoted by Bingham, Vol. X., 169.

to be limited to children of one or both believing parents ; but then there are these striking affirmations—first, that the grace promised is actually conferred by the Holy Ghost upon infants in the Ordinance rightly used ; but *next*, it is conferred only on such as that grace belongeth to, according to the counsel of God's own will.

The propositions involved appear to be these : That upon infants elected by God's will, the Holy Ghost actually confers grace, in Baptism. What is this but Baptismal regeneration restricted to a predetermined class ; an assertion that, as to them, the water is essential, the Spirit will accompany it, and grace will be the result. That is, it is predestined that those elected to be saved are to be saved through Baptism, which then must be predestined. Other Calvinistic authorities clearly hold that as to the children of believing parents, Baptism is needless for salvation. If they die without sin, they are as surely saved without as with it. Yet Baptism is commended or enjoined as a sign of union in the outward Church.

Beza, a leading follower of Calvin, says : " So in Baptism it happens that many thousands of infants receive it who still are never regenerated, but perish eternally." *

This, I understand, comprises that great class which, not being elected for salvation, cannot be profited by Baptism in any way.

The Canons of the Synod of Dort declare salvation to be by grace, through faith, and in this not of ourselves, but as the gift of God. (Art. V.) And again, " election is not provided on foreseen faith and holiness as a prerequisite, but election is the fountain from which proceedeth faith and holiness." (Art. IX.)

The election being the gift of God, faith, being the consequence of such election, is likewise the gift of God. But still the salvation is through faith. Hence they who have not this are not saved. And hence, primarily, infants, not being capable of it, are not saved. Yet, the infants of

* Lawrence, Note to Sermon vii., p. 442.

believers are so. And necessarily this must be by virtue of the faith of the parents.

Thus are we brought to the dismal result, that although in Adam all infants, however guiltless of actual sin, died, yet a few alone can be made alive in Christ; that the ordained means of restoration are not universal, though the condemnation was universal. What, then, is the use of Baptism for infants, except perchance to the children of believers? No wonder that a Catholic and Maternal Church shrinks from such a doctrine. The children rescued from the barbarous tribes that bordered upon the Christian settlements of Africa, were, without hesitation, baptized. And from that time to the present day, the true Church has looked upon each individual child as a sharer of the common doom, and as a rightful participator of the ordained absolution.

§ 31. The Gor-
ham Case. A careful consideration of the celebrated Gorham case will go far to make us understand the doctrine of the Church as to Baptism, and the grounds on which her tenet of the regeneration of infants is denied or modified.

The examination of the Reverend Mr. Gorham led to the refusal of the Bishop of Exeter to admit him to a benefice. It was very protracted, and has been sneered at on that account. But it is obvious that a large number of the questions grew out of the answers unavoidably suggesting new questions.*

Mr. Gorham was called upon to express in precise terms his views upon points nice and profound. The thoughts which he had deemed quite clear, and his power to explain them certain, became somewhat indistinct, and language of accuracy not readily commanded. The experience of almost every thinker is similar. The propositions he judged to be plain, come to be somewhat obscured when definition is required. Lord Langdale judged too severely when he spoke of the answers not being given plainly and directly,

* Ecc. Judgments, p. 89.

but in a cautious and guarded manner, with the apparent view of escaping from some apprehended consequence of plain and direct answers.

Mr. Gorham's views, using his own language, may be thus stated :

As to both Sacraments : "Not merely the right administration, but the worthy reception, is essential to their becoming effectual signs of grace. In such only as worthily receive the same have they a wholesome effect or operation.

"The gift of God's grace is only conferred on such as by faith and rightly do receive the same."

The doctrine thus generally stated as to both Sacraments, is applied to Baptism as follows :

"By the Article, they that receive Baptism rightly; that is, not merely by lawful administration, but by worthy reception, are grafted into the Church. No distinction is made between adults and infants in this Article, though the case of the latter was in the minds of the framers, as appears by the charitable declaration at its close. When there is no worthy reception there is no bestowal of grace. There is a stipulation by Sponsors for infants that faith and repentance shall thereafter exist. In the hope, *but on the condition*, that these will thereafter exist, the Church pronounces the infant a child of God and inheritor of the kingdom of heaven."

The question was then put : "Does the Church hold, and do you hold, that infants so baptized are regenerated independently of the stipulations made for them by others?"

Answer : "If such infants die before they commit actual sin, the Church holds, and I hold, that they are undoubtedly saved; *and therefore they must have been regenerated by an act of grace prevenient to their Baptism, in order to make them worthy recipients of the Sacrament.*"

"Our Church holds, and I hold, that no spiritual grace is conferred in Baptism, except to worthy recipients. As infants are by nature unworthy recipients, being born in sin and the children of wrath, they cannot receive any benefit from Baptism, except there shall have been a prevenient act of

grace to make them worthy. In fact, the new nature must have been possessed by those who receive Baptism rightly, and therefore possessed before the seal was affixed."

There are other passages stating that this grace must really come before Baptism, though it is not denied that it may be given at the moment of the administration.

When the examination reached this point of the absolute necessity of a foregiven grace, the natural question was put: Was it always given to a baptized child, whether before or during the act? Was it an invariable accompaniment of the Rite, so that when this is administered, we may be sure the grace has been given?

If Mr. Gorham had answered affirmatively, the difference between his views and those of the Bishop of Exeter would practically be inconsiderable. The child would be secured of salvation by being absolved from original sin, and dying before actual guilt.

But he answered: "*This grace does not necessarily attend, or is bestowed upon, every infant brought to be baptized. To some it is given, to others denied; and the gift or refusal is according to the unknown will of God.*"

We cannot but notice the close correspondence of these views with the doctrine of the Presbyterian Formulary before quoted. The latter, however, more distinctly allows an actual infusion of the Holy Spirit in Baptism upon those preordained to receive it.

In the report of the case in *Ecclesiastical Judgments*, published with the sanction of the Bishop of London in 1865, the above answer in italics is omitted, with the question which called it forth. The passage is found in Moore's Report of the case. The omission is of a most material matter.

The judgment of Sir Herbert Fust, Dean of Arches, pronounced in 1849, was as follows:

"The issue was narrowed down to the question of the efficacy of Infant Baptism. The Articles were *prima facie* the standards of doctrine, but if they are silent on a controverted point, the other Formularies of the Church were to be consulted.

“Mr. Gorham’s doctrine went beyond the Articles, inasmuch as he defines what is the worthy reception of Baptism, viz., faith and repentance, the germ of which must be supposed to exist in infants at the time of Baptism. As all infants are born in sin, they must first be rendered worthy recipients, and this is only done by some act of prevenient grace. The Articles make a worthy reception necessary, but do not declare in what such reception consists. It was sufficient for the Court to observe that Mr. Gorham’s doctrine was, that it was not by Baptism, or through Baptism, that such grace is conferred. But the Formularies (and the Judge made a minute examination of them) declare, that the child is, by Baptism, regenerate. As this declaration is unconditional in the Office of Private Baptism, it must be considered so in that for Public Baptism. Grace, then, is given to infants unconditionally ; and the mode of receiving that blessing is not prevenient grace, but Baptism. . . . It seems to me that the word regenerate does not mean such a total change of character, as to preclude baptized persons from ever or finally falling away, but that the word means such a change of station, character, and relation as places them in a new situation,—from being children of wrath to children of grace.

“Therefore, I say, that as the doctrine of the Church of England undoubtedly is, that children baptized are regenerated at baptism, and are undoubtedly saved, if they die without committing actual sin, Mr. Gorham has maintained, and does maintain, opinions opposed to those of the Church of which he professes to be a Minister.”

Upon appeal, the Judicial Committee of the Privy Council reversed this judgment, and declared that Mr. Gorham had not held doctrines contrary to that of the Church of England. The Bishop of London and Sir Knight Bruce, Vice-Chancellor, dissented.

The following are the heads of the opinion delivered by Lord Langdale : “Some parts of the Prayer-Book are doctrinal, and must be so considered ; some devotional, which cannot be treated as evidence of doctrine without reference

to the Articles, and to the Faith, Hope, and Charity expressed in the Formularies."

The Services for Public and Private Baptism are then minutely examined, as also passages in the Catechism. Then follows :

"These require a charitable or qualified construction ; and, as to the Baptismal Service, they who are strongly impressed with the earnest prayers offered for the blessing and grace of God, may not unreasonably suppose that the grace is not necessarily tied to the rite, but that it should be prayed for, *that it may then, or when God pleases, be present, to make the rite beneficial.*"

"One of the points left open by the Articles is determined by the Rubric. It is certain, by God's word, that children which are baptized, dying before they commit actual sin, are undoubtedly saved. But the Rubric does not, like the Article of 1536, say that such children are saved by Baptism, and nothing is declared as to the case of infants dying without Baptism."

There is one point in the opinion inconsistent with Mr. Gorham's position. It is allowed that the grace may be conditionally efficacious, that is, if the child grow to be truly penitent, and to have a lively faith. Thus there is a provisional remission of inherited guilt—the virtue of Baptism being suspended and in abeyance, until a future event occurs. Mr. Gorham insists there must be a previous infusion of grace to make the rite available. The judgment of Lord Langdale is that subsequent holiness retroacts and makes it so. But each of them (Mr. Gorham clearly) limits the prior or succeeding efficacious grace to those whom God shall please to choose for this effect. Here also we are brought, by a necessary logic, to the doctrine of predestination.

And if the judgment could be deemed as holding, that the condition of future faith is available to all, and yet an absolute condition, then why are not the Baptists right, and Infant Baptism futile and useless, if not a desecration ? If the virtue hovers through years of uncertainty, until holiness and faith are developed, why not postpone the rite until then ?

It is remarkable that the Court take no notice of Mr. Gorham's most important proposition, the logical result of his theory, viz. : that the prevenient grace is only given to such as *God had elected to receive it*. This conclusion, the very essence of his tenets, instead of being rigorously contrasted with the Formularies, is scarcely alluded to ; is not noticed as asserted, nor examined to uphold or controvert it.

It may be imagined with what alarm and indignation this decision was received by a large body of Churchmen. It produced the celebrated letter of the Bishop of Exeter to the Archbishop of Canterbury in 1850, and a discussion by Dr. Pusey, foremost among his controversial writings for reasoning and pertinent learning.*

We may condense the teaching of the Formularies of the Church thus : Infants partake of inherited guilt, and must have the merit of Christ's atonement applied to them, to be saved. They are, by his declaration, involved in the condemnation, and comprised in the offered salvation.

He hath required that they, as others, should be born again, of water and the Holy Ghost, to apply his atonement for their salvation. When he prescribes a condition, there is a pledge that it shall be available. Hence there is a covenant that if the outward Rite, which man can perform, is administered, the sufficient infusion of the Spirit is assured.

Thus the original sin being removed, the relation to God is altered, and covenanted mercy extended, and, by an inevitable consequence, the infant dying without actual guilt, is saved. This is the baptismal regeneration of infants.

There does not seem to be any alternative between these Scriptural and Church truths, except in the averred predestination of Mr. Gorham, or the strange view of Lord Langdale of a suspended uncertain efficacy dependent upon future faith and holiness.

In all these tenets, the Church is speaking positively of such infants as are within the reach of ministration of the

* Royal Supremacy, Oxford, 1850.

Sacrament. The case of others is different. (See post, § 33.)

§ 32. Who may be Baptized. The pious comprehension of the Church as to the objects of Baptism deserves consideration. Mr. Baxter charged against her that she obliged her ministers to baptize the children of Jews, Infidels, Heretics, Atheists, or any others brought to them at the Church. The 68th Canon was referred to: "No Minister shall refuse or delay to christen any child according to the Form of the Book of Common Prayer, that is brought to the Church to him, upon Sundays or Holy Days, to be christened." In case of refusal he was to be "suspended from his ministry for the space of three months."

And the 69th Canon is equally explicit as to the duty of baptizing any infant within the Parish, in danger of death.

By the rules of the French Reformed Church, the children of adulterers, incestuous, and even excommunicated parents, were to be baptized. Mr. Bingham urges strongly upon the principles of that Church for the inclusion of the children of atheists and blasphemers. And as to Heretics he shows that by "The Book of Discipline," children both whose parents are members of the Church of Rome (and therefore Heretics) and those of excommunicated persons shall not be baptized, unless the parents require it, and resign their authority to the sureties. And again, the children of Sorcerers and Gypsies, may be admitted to Baptism upon the like conditions.*

In an opinion of Doctor Lawrence, given in 1806, he considered the phrase "any child," in the Canon, to be general. There was no distinction of parishioners who frequented the Church or any other place of worship. The law was clear and explicit. The children of Papist recusants were to be baptized, much more those of a Protestant Dissenter. (Burns's Ecc. Laws, ii., 115.)

§ 33. Unbaptized Infants. When we are able to rest in the comfortable assurance that a child baptized according to the

* Bingham, Vol. X., 170; Opuscula.

Order of the Church is certainly saved, if he die before sinning, the question will arise, What is the fate of those so dying unbaptized?

Hooker answers the question thus: "Touching infants which die unbaptized; since they neither have the Sacrament itself, nor any sense or conceit thereof, the judgment of many hath gone hard against them. But seeing grace is not absolutely tied to the Sacrament, and besides such is the lenity of God, that to things absolutely impossible he bindeth no man, but where we cannot do what is enjoined us, accepteth our will to do instead of the deed itself. Again, as there is in their Christian parents, and in the Church of God, a presumed desire that the Sacrament of Baptism should be given them, yea, a purpose also that it shall be given them, remorse of equity hath moved many of the School Divines ingenuously to grant, that God, all merciful to such as are not able to desire Baptism, imputeth the secret desires that others have in their behalf, and accepteth the same as theirs, rather than casteth away their souls for that which no man is able to help."*

In the ensuing paragraph he lays some stress upon the fact of the child which dies unbaptized having been born of Christian parents, yet this is not to be understood as if such child was without sin, or that grace from baptized parents was derived by propagation, *and God's promise tied to save any in mere regard to their parents' faith.*

In another passage, he condemns, as a wrong conceit, "that none may receive the Sacrament of Baptism but they whose parents, or at least one of them, are, by the soundness of their religious faith and virtuous conduct, known to be men of God."

Again: "It is not to be thought that he which, as it were from heaven, hath designed them unto holiness by special privilege of their very birth, will deprive them of regeneration and inward grace only because necessity depriveth them of outward sacraments. However, he, by the secret

* Ecc. Polity, v., ch. 96; Keble's ed., 2, p. 270.

ways of his own incomprehensible mercy, may be thought to save without baptism, this clearerth not the Church from guiltiness of blood if she, through her superfluous scrupulosity, lets, or impediments of less regard, should cause a grace of such great moment to be withheld."

Bingham has collected the opinions of the Ancients upon this subject: "In case there was no contempt, but only an unavoidable and unforeseen necessity hindered their baptism, while they were diligently preparing for it—in that case they were treated a little more favorably by the Ancients, who did not generally think the mere want of Baptism to be such a peculiar crime as to exclude men from the benefit of Church Communion or the hope of salvation. They generally ground the necessity of Baptism upon these two sayings of our Saviour: "He that believeth and is baptized, shall be saved," and "Except a man be born of water and of the Spirit, he cannot enter into the kingdom of God;" but then, in their exposition of these texts, they limit the sense to the ordinary method of salvation, and such cases wherein Baptism may be had; and as for extraordinary cases, where Baptism could not be had, though men were desirous of it, they made several exceptions, which, in such circumstances, were thought sufficient to supply the want of it."*

It was held, in the time of St. Barnard (indeed, was the general tenet of the Romish Church) that, although eternal life could not be had without Baptism, yet the case of Martyrdom formed an exception. But St. Barnard went further: he says, "If a man desirous of Baptism be suddenly cut off by death, in whom there wanted neither sound faith, devout hope, nor sincere charity (God pardon me if I err), but verily of the salvation of such a one in whom there is none other defect than his faultless lack of baptism, despair I cannot."†

This opinion applies with certainly equal strength to the case of infants.

The leading opponents of Lay Baptism, expressly or im-

* Vol. III., p. 488.

† Epis. 70, cited by Hooker, 5, 60, 5.

pliedly, affirm the salvability of unbaptized infants, where the Rite cannot be duly had. And thus the Church, with her great wisdom and holy charity, leaves those who cannot receive the Rite, to God's mercy, in trust and hope, while she imposes an awful responsibility upon Parents who can bring infants to it, and neglect it.

§ 34. Lay Baptism. We presume that the law of the early Church may be thus stated :

(1.) The power to baptize was originally in the Bishop only, and was conferred by him upon Presbyters and Deacons ; upon the former more commonly, and at an earlier period than upon the latter. In the Apostolical Canons four speak of Baptism by its Ministers, but Deacons are not mentioned.*

(2.) Yet a Baptism by such without authority, while an act of irregularity, and subjecting the Minister to censure, was not invalid as to the recipient, and was not to be repeated.

(3.) This rule was gradually extended to the Baptism by Laymen in cases of necessity, or extraordinary occasions. But whenever this prevailed or was tolerated, it was restricted to a Baptism by Christians ; such as had received might confer it. Hence Baptism by Jews, Turks, or Infidels was invalid.

Upon this point the Canon of the Council of Elliberis, in Spain, A.D. 305, deserves much consideration : " When men were upon a voyage at sea, or in any or at any place where no Church was near at hand, if a Catechuman happened to be extremely sick, and at the point of death, then any Christian, who had his own Baptism entire, and was no bigamist, might baptize him. Provided that, if he survive, he bring him to the Bishop, that his Baptism may be perfected by the laying on of hands." Bingham remarks : " It was their intent, when a Priest could not be had to administer Baptism, only to authorize such Laymen to do it, as

* Bingham, IX. ; *Opuscula*.

had those qualifications, that were requisite to obtain orders, and so bring them as near Priests as they could.”*

And Professor Ogilby justly argues that the adoption of this Canon tends to prove that Lay Baptism was not recognized by the Council as generally valid in any case. They pass a law rendering it so in peculiar emergencies, and under certain limitations and conditions.†

Mr. Neal, as to the practice of the Constantinopolitan Church, says: “It now regards Baptism as valid which is conferred by any orthodox person, so the form and manner be good. In the *Duty of Parish Priests* it is declared: ‘In case of a child lying dangerously ill, if no Priest be at hand, a lay person may baptize, that is, plunge the child in water, saying, “N., the servant of God,” etc. Wherefore the Priest should teach his Parishioners, and not men only, but also women, how to act in such circumstances. However, every baptism so performed by a lay person should, if the child live, be filled up by the Priest with Prayers and other ceremonies, according to the Ritual.’”‡ Mr. Neal adds that this was not the practice of the early nor yet of the mediæval Eastern Church; and, until a comparatively late period, rebaptization was constantly practised in the Russian Church, even for converts from Rome.

We have before stated that under the Romish tenet of the absolute necessity of Baptism for salvation, the Rite might be performed by any one in cases of necessity. No doubt the same rule prevailed in the English Mediæval Church, and, as we think, under the First Book of Edward.

The rule, in the most of Calvinistic Churches, prohibits the Baptism by any but a regular Minister.§ It is the same in the Confession of Faith in the Presbyterian Church in the United States. (Chap. xxvii., 4.) The rule of the Dutch Reformed Church is against Lay Baptism. (Constitution, iii., Art. 1.) By a Canon of the French Church (1540), the Baptism by a private person was declared null, and the

* Vol. IX., p. 28; Opuscula.

† History of the Eastern Church, ii., 948.

‡ Lay Baptism, 48.

§ Bingham, Vol. IX., 101.

child was to be brought publicly into the Church to receive true Baptism.* The Lutheran Churches admit of Lay Baptism.

The course of the Anglican Church is well stated by Bishop Mant: "No authority to administer Baptism having been given to any others than Christ's ministers, it would seem that Baptism, as well as preaching the Gospel and the ministration of the other Sacraments, cannot truly, fully, and with assurance of its efficacy, be celebrated by any others. And this is agreeable to the rule of the Church. For, although there may have been aforetime some who have pleaded for the ministration of Lay Baptism, in cases of great necessity, by another person than a lawful Minister, where a lawful Minister could not be had; and, although the Church of Rome, acting under the persuasion of the absolute necessity of Baptism to salvation, has allowed persons, not having the ministerial commission, to baptize in such cases; and although, in the earliest ages of our reformed Church, allowance was likewise given for such a practice; yet subsequently, following the judgment and example of the early Church, she discovered her error and retraced her steps, and by three successive corrections of her decision,—first, by a restrictive explanation of her former law in the time of Queen Elizabeth, and again in King James I., and again in King Charles II., by a new and positive provision she determined that even Private Baptism, in cases of great necessity, should be ministered only by a lawful Minister. And the ground of her determination must be judged to be, that, however excellent be the Sacrament of Baptism by reason of its spiritual grace, that grace is not promised, except to its due administration; and that it were better to omit the Rite altogether, and to leave the child to the uncovenanted mercy of God, than to make pretence of ministering it unlawfully, and thus attempt to bring children into covenant with God by an instrument not of his appointment.†

* Bingham, Vol. IX., 103.

† The Church and her Ministrations, p. 244; London, 1838.

The Divines of repute who support these positions, are Wheatly,* Lawrence,† Archdeacon Manning,‡ Waterland,§ Jeremy Taylor,|| and, in our own country, Professor Ogilby¶ and Dr. Wilson.**

Upon the other side are Bishop Fleetwood, Bingham, Hooker, and Maskell, Chaplain to the Bishop of Exeter.†† The decisions of the Ecclesiastical Courts favor it also.

In *Kemp vs. Wicks*, 1809, Sir John Nicolls decided that Baptism by water in the name of the Father, the Son, and the Holy Ghost, was valid, though administered by one not Episcopally ordained.

But the most important case is that of *Martin vs. Escott*. (2 Curtis, 692-4; Moore, Privy Council Rep., 104.) The defendant, a Vicar, had refused to bury a child who had been baptized with the proper formula by a Wesleyan Minister. The 68th Canon directs that every Minister of the Church of England shall perform the Burial Service for any corpse brought to the Church or Churchyard, except the party deceased was excommunicated. But the Rubric prefixed to the Burial Office provided that it should not be used for any that should die unbaptized. So the question was, whether this Baptism was within the Rubric.

The Court held that the Baptism in question was Lay Baptism, and that it was valid. The following are the heads of the judgment:

1. That in very early, if not in the earliest ages, Baptism in the proper form (with water, and in the name of the Trinity), was held valid, and not to be repeated.

2. That the practice of the ancient Church had been adopted in this country up to the time of Henry VIII.

* Rational Illustration, etc., p. 263.

† Sacerdotal Powers, cap. 5, 88.

‡ The Unity of the Church, 271, 278.

§ Works, Vol. III.

|| Divine Inst., etc., Vol. III., p. 693. London, 1853.

¶ Lay Baptism. N. Y., 1842

** Mant on the Rubrics. N. Y., 1854.

†† Holy Baptism by the Rev. Wm. Maskell.

3. That by the Rubrics of the Books of Edward VI., Baptism by Lay hands was declared to be lawful and sufficient, and not to be repeated, and that those Rubrics were confirmed by Act of Parliament.

4. That those Rubrics underwent no material alteration in the reign of Elizabeth.

5. That the Canon agreed on in Convocation, in 1551, was involved in great obscurity, and was never considered to have any binding authority.

6. That the Commissioners at Hampton Court, in 1603, strongly as they were opposed to Baptism by Laymen, could not prevail on themselves absolutely and expressly to prohibit it; still less to declare such Baptism null and void. That such a notion would be inconsistent with the King's language against rebaptizing.

7. That the Rubric respecting the burial of persons dying unbaptized was inserted at the Restoration. In the usual sense of that word, it would apply to persons to whom this Sacrament had not been administered, without reference to the administrator. As to the objection that it applied to persons not lawfully baptized; that is, not by one Episcopally ordained by the expression "lawful Minister," the law since 1662 certainly intended an Episcopally-ordained Minister; but it does not follow that acts performed by persons not so ordained are null, for then they would have been so declared by authority, which was not the case at the Restoration. The Bishops at that time neither refused to confirm persons not Episcopally baptized, nor did they instruct their clergy to rebaptize in such cases. The practice continued, and undoubtedly was irregular, but not null and void. This view was borne out by the Minutes of the Conference in 1712, at Lambeth, up to which time such Baptism, in the opinion of the Church of England, was valid, so as not to be repeated, and that a person so baptized was not a person unbaptized, and so not entitled to Christian burial.

A similar decision was made in *Tichmarsh vs. Chapman*, 3 Curteis's Rep., 840.

The subject was brought before the General Convention

of our own Church in 1811. Bishop White states, that it was the object of two gentlemen to obtain a declaration of the invalidity of Lay Baptism, including, of course, that by any of the Ministers of other Churches. He adds, that a member of the Convention (Honorable Rufus King), had brought with him from England a pamphlet containing a judgment in an Ecclesiastical tribunal precisely in point. This, no doubt, was the case of *Kemp vs. Wicks*. The Bishop adds: "The reasons of the judge, grounded altogether on the Rubric, must carry conviction to every mind so far as concerns the question of the sense of the Church of England. It is true that this does not settle the question of the sense of Scripture. On the most serious consideration of the subject long ago, the conviction is entertained that the Holy Scriptures and Church are not at variance on this matter." (Memoirs, 280.) It was resolved by the Convention that it was inexpedient to take any action on the subject.

In 1842 the late Professor Ogilby published an outline on the validity of Lay Baptism, contesting it with great ability; and in 1854 Professor Wilson took the same ground in his edition of Mant on the Rubrics.

We submit the following as the best warranted conclusions on this subject:

It is settled that the phrase, "lawful Minister," used in the Rubric from 1603 to this day in the English and American Prayer-Book, means a Minister Episcopally ordained.* When we consider that this alteration took place upon a revision of the Prayer-Book, when the Office of Private Baptism distinctly sanctioned Lay Baptism, it is the logical, if not inevitable, conclusion, that it was intended to prohibit it.

Although by express decision one thus baptized may not be refused the Rite of burial, yet we have the decided statement of the Church that it is irregular, and an implied deprecation of its use.

* *Martin vs. Escott*; *Kemp vs. Wicks*.

Laymen of the Church are as much bound by the Rubrics, in cases which may apply to them, as Clergymen; and a Layman, performing this Rite, disobeys, if not an absolute law, yet an explicit teaching, and exercises a function consigned by solemn selection to another class.

That tenet of the Romish Church of the absolute necessity of Baptism for salvation, which alone could sanction this act, is not the tenet of our Church. And far better is it that the mercy of God should be trusted, than that we should assume part of a priestly Office.

It follows that Ministers of our Church should urge upon all who have received Lay Baptism, and seek a union with her, the advisability, at least, of a new Baptism. Assuming that another course may not be censurable, we have in this the assured path of Churchly truth and order. And notwithstanding the opinion of Archdeacon Sharpe and Professor Wilson, we cannot but think that the alternative, or hypothetical form, as it is termed, may be used. Archbishop Usher employed a similar one in cases of orders not Episcopal.*

It would be too much to say, after what has been ruled in England, and the refusal of our own Church to act, that Lay Baptism is wholly invalid, so that the Rite performed by a dissenting Minister should be fully repeated, according to our Office. The last clause of the maxim, *factum valet*, may be recognized; but, at least, the first clause, *feri non debet*, is a rule for Laymen of the Church.

§ 35. Sin after Baptism. The Sixteenth Article, "Of Sin after Baptism," must be examined to fill up the view of the doctrine of the Church.

Omitting any inquiry as to the sin against the Holy Ghost, we have these declarations:

The grant of repentance is not to be denied to such as fall into sin after Baptism. Not every deadly sin committed after Baptism (the sin against the Holy Ghost excepted) is unpardonable.

* Procter, p. 382, and Ogilby, 179.

The tenet of Novatian was, that after Baptism there was no room for penitence; that the Church could not pardon mortal sin further. They who had fallen into apostasy had no more hope of salvation, and could not be restored even after penance.

It is enough for our purpose to oppose to this the opinion of St. Cyprian and a few others: "But I wonder that there are some so obstinate as not to think repentance ought to be given to such as are fallen, or suppose that pardon should be denied to penitents, when it is written, 'Remember from whence thou art fallen, and repent and do just works.' " *

"In the choice of evils," says Gregory Nyssen, "it is rather to be chosen, that a man having obtained Baptism should be again in sin, than that he should end his life void of grace. For sin may, perhaps, obtain pardon or mercy (of which there is great hope among the good), but salvation is altogether forbidden to the other by a certain and determinate sentence." †

St. Chrysostom insisted that Judas, if he had persevered in his repentance, could have been saved. Citing the parable of the prodigal son, he says: "I have adduced this parable in order that you may learn that there is remission of sins committed even after Baptism; this son bears the image of those who fall after Baptism; that he does represent such is evident from this, that he is called a son, for no one is called a son without Baptism; moreover, he dwelt in his father's house, and shared his substance; but before Baptism it is not allowed us to take what is our father's, nor to receive our inheritance; so that, by means of all these things, the condition of those that believe is shadowed out." ‡

"After we have received the Holy Ghost we may depart from grace given, and fall into sin, and, by the grace of God, we may rise again, and amend our lives."

In "the necessary doctrine of a Christian man," it is de-

* Epistle 52, Ad Antonium.

† *In eos qui differunt Baptisma.*

‡ Homily de Penitentia, Cary's Test., p. 209.

clared, "there is no doubt that, although we be once justified, we may fall therefrom; and although we have been illuminated, and tasted the heavenly gift, and been made partakers of the Holy Ghost, yet we may fall and displease God."

In 1604, in the discussions at Hampton Court, Dr. Reynolds moved, that in the 16th Article, after the words "depart from grace," be added, "yet neither totally nor finally, and that the Nine Articles of Lambeth might be inserted in the Book." This was rejected.

The Homily on Repentance states the doctrine thus: "Although we do, after we be once come to God, and grafted in his Son Jesus Christ, fall into great sins (for there is no righteous man upon the earth that sinneth not), yet if we arise again by repentance, and with full purpose of amendment of life, do flee unto the mercy of God, there is a sure and infallible hope of pardon and remission of the same, and that we shall be received again into the favour of our Heavenly Father."

"So long as we offend, so long we may apply ourselves unto God by repentance, and be renewed by his grace, and pardoned by his mercy. And therefore the Church of God, in which remission is preached, doth not only promise it at first by the laver of regeneration, but afterwards also, upon the virtue of repentance."

In Heurtly's Bampton Lectures, various passages of Scripture are cited to support the propositions of a change effected by the union of Faith and Baptism, of the ability to continue in that state, of the liability to fall, and of the capacity to recover.

All this is as truly applicable to the baptized infant, who lives to encounter temptation and to fall, as to the adult, who was fitted once by faith and repentance for the Rite. "Thy sins are forgiven," is the absolution given to both; "go and sin no more," is not merely an admonition, but an admission that sin may occur; and "so thou forgavest the multitude of my sins," winds up the lessons of the Church in the words of Scripture.

CHAPTER V.

ORDERS.

§ 1. Reference
to English Ordinal.

WE have before noticed the history of the Ordinal in England (ante, ch. i., § 20), and the changes in 1552 and 1662. The work had been committed to six Prelates and six others learned in God's law, and eleven of them concurred in setting it forth. The Preface was drawn up by Cranmer.

§ 2. Action in
1792.

In September, 1792, the Ordination Office was adopted. It is entitled, "The Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, according to the Order of the Protestant Episcopal Church in the United States of America, as established by the Bishops, the Clergy, and the Laity of said Church, in General Convention, in the month of September, A.D. 1792."

The Convention of 1789 provided for the most pressing wants of the Church, the establishing a Book of Common Prayer, Administration of the Sacraments, and other Offices, such as Matrimony and a Burial Service. It contemplated further action to complete the Formularies of Faith and Rites, and provided in the Eighth Article for the establishment of an Order of Ordination and Articles of Religion at a future time.

The Reverend Mr. Claggett, of Maryland, was the first Bishop consecrated in the United States. The Bishops Sealury, White, Provost, and Madison, had received consecration abroad. I apprehend he was consecrated according to the Office as amended and adopted by the General Convention. The service was had on Monday, the 17th of September, 1792, at New York, but on Saturday, the 15th of September, the alterations in the Office had been approved

by both Houses. (Hawks and Perry, 154, 164.) The Offices for Deacons and Priests were subsequently ratified.

The Service is nearly identical with the English in every essential. The chief alteration is in the vow of conformity to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church, etc.

We notice one marked change from the Romish Form in the English and our own Office: "When the Ordination Office was reviewed and brought nearer to its primitive Form, instead of delivering the Chalice and Paten with the words *Accipe potestatem offerre Deo Sacrificium*, the Bishop delivered the Bible with the words, 'Take thou authority to preach the word of God, and to minister the Holy Sacraments,' " etc. (Stillingfleet, *Ecc. Cases*, 1, p. 19.)

§ 8. Canons of 1789. There had been, however, in 1789, several Canons passed relative to Orders. The first Canon was: "In this Church there shall always be three Orders in the ministry—Bishops, Priests, and Deacons." Others regulated the certificates necessary for consecrating a Bishop, the age of those to be ordained, titles, testimonials, the learning required, and times of ordination.

On Tuesday, the 18th of September, 1792, the revision of the Office for ordering Deacons and Priests was completed. A resolution had been before adopted to publish all the Forms of ordering in one Book.

After 1785 and before 1792, Deacons and Priests had been ordained by the Bishops in the United States. I have not been able to trace whether any uniform manner was adopted by any Bishop, or what it was; but, beyond a doubt, the English Office was used with the alterations demanded by the new political relations. In truth, excepting the oath as to the Queen's Supremacy, there is almost an identity of our Office with the English.

We consider that ordinations of Priests and Deacons thus made before 1792 by a Bishop were as valid, and were so treated by the Church, as those made subsequently.* And

* The assault upon Bishop Seabury's consecration does not affect this view. Its validity was fully recognized.

we hence learn, that while the consecration of Bishops by American Bishops was deemed fit to be governed by rules and forms prescribed by the whole Church represented, that of Priests and Deacons was left to the original recognized powers of a Bishop.

There are two important points connected with Orders, which we propose to notice. The one is as to the necessity of Episcopal Ordination for Ministering in the Church; the other, the province of the Laity in the making of Bishops and other Ministers.

The Preface in our own Book is as follows :
§ 4. Episcopal Ordination required. "It is evident unto all men, diligently reading

Holy Scripture, and ancient authors, that from the Apostles' time there have been these Orders of Ministers in Christ's Church—Bishops, Priests, and Deacons—which Offices were evermore had in such reverend estimation, that no man might presume to execute any of them, except he were first called, tried, and examined, and known to have such qualities as are requisite for the same; and also, by Public Prayer with imposition of hands, were approved and admitted thereunto by lawful authority. And therefore, to the intent that these Orders may be continued and reverently used and esteemed in this Church, no man shall be accounted as taken to be a lawful Bishop, Priest, or Deacon in this Church, or suffered to execute any of the said functions, except he be called, tried, and examined, and admitted thereunto, according to the Form hereafter following, or hath had Episcopal Consecration or Ordination."

This is the English Form, the title of the Church being different, and was framed by Cranmer, in 1550.

Upon the subject of Ordinations in Churches where Orders are deemed sacred and necessary to a Ministry, there are four opinions held, each sometimes with modifications.

1. That Holy Orders were never bestowed or deemed valid, until the Reformation on the Continent, unless conferred by Bishops claiming authority by succession from the Apostles, and that none other are now valid.

2. That ordinations in Churches holding the great truths of Faith, where pastors are admitted by former pastors with imposition of hands, are valid, and qualify the person to minister in any branch of the Church universal.

3. That Episcopal ordination is in general necessary, but not in all cases essential. Where such cannot be had—in cases of necessity—the ordination by Presbyters may suffice. In such cases the Church is not uncatholic, though destitute of one great note of a true Church.

4. That whether Episcopal ordination is indispensable or not—even conceding that another may be valid in and for particular Churches—it is the incontestable rule of the English and of our own Church, that nothing but Episcopal ordination can warrant the exercise of any Ministerial function, in or to a congregation of such Church.

It is the last of these propositions which we shall seek to maintain. If proven, the result is inevitable, that any other ministrations in our Church, frequent or infrequent, are wholly unlawful.

And first, we will bring together all the passages in the Formularies which relate to the question.

By the Constitution (Article 8), “A Book of Common Prayer, Administration of the Sacraments and other Rites and Ceremonies of the Church, Articles of Religion, and a form and manner of Making, Ordering, and Consecrating Bishops, Priests, and Deacons, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church in those Dioceses which shall have adopted this Constitution.”

By Article 7, no person shall be ordained until he shall have subscribed the following declaration: “I do believe the Holy Scriptures of the Old and New Testament to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the Doctrines and Worship of the Protestant Episcopal Church in the United States.”

The General Convention, then, contemplated a Book of Common Prayer, a form of administering the Sacraments,

of making of Ministers, and Articles to be framed ; and upon their respective subjects, and for their respective purposes, they were to be of an equal concurrent obligation and force. It is to all these that the pledge of conformity is made, as all these were intended to comprise, and do comprise, the Doctrine and Worship of the Church.

Again, from being thus placed upon an equal footing, some rules of construction apply. It is found that different formularies often relate to the same subject-matter. What we are now discussing is an example. It is a duty to reconcile the statements of all upon a particular point, when it is possible to do so without a violent wresting of language. This is a fixed Canon of interpretation in all law. If anything is ambiguous in one standard it may be cleared by what is found plain in another. What is omitted in one is exclusively governed by what is found in another, or others.

The Constitution went into effect the 2d of October, 1789 ; the Book of Common Prayer, etc., was adopted on the 16th of October, 1789, to go into effect on the 1st of October, 1790 ; the Ordinal was adopted in September, 1792 ; in the same year a Canon "of persons not Ministers, officiating," was passed ; the Articles of Religion were adopted in September, 1801 ; and the Institution Office in 1804, and amended in 1808. We have it provided, "That a Book for Ordering Bishops, Priests, and Deacons, shall be made and used in this Church ;" * "That in this Church there shall always be three orders in the Ministry, viz.: Bishops, Priests, and Deacons ;" † "No one shall be admitted as a candidate for her Orders, unless attached to the doctrine, discipline, and worship of the Protestant Episcopal Church.‡" She provides for the admission of ministers of other denominations as candidates for her Orders.§ She demands testimonials before ordination that the persons have not written, taught, or held anything con-

* Constitution, Art. VIII.

† Canon i. of 1789, now in force.

‡ Canon ii., § 4, part 1.

§ Canon ii., § 8, 2-10.

trary to the Doctrine or Discipline of the Church.* She provides for the case of Ministers ordained by a Bishop not in Communion, or by a foreign Bishop in Communion, and does not reordain them.† One of her examinations is as to proficiency in Church History, Ecclesiastical Polity, the Book of Common Prayer, and the Constitution and Canons of the Church; and the Candidate is to be guided by the course of study established by the House of Bishops who recommend books of the highest tone upon Episcopacy and the distinctive Doctrines of the Church.

Thus with earnest solicitude, with steady persistence, does she mould the education of her ministers for inculcating her own doctrine, worship, and polity. She refuses to consign to them the care of any portion of her fold, until they have solemnly pledged conformity to these. And when, thus trained and thus pledged, she opens to any one the door of her ministry as Priest, she requires "that he will so minister the doctrine and sacraments and discipline of Christ, as the Lord hath commanded and as this Church hath received the same, according to the commandments of God."‡ And after all this care, instruction, promises, and injunctions, she gives "authority to preach the Word of God and to minister the Holy Sacraments in the congregation to which he shall be lawfully appointed."§

So in the Institution Office she gives authority to perform the Office of Priest in the Parish of ———, and institutes him with power to perform every act of sacerdotal function among the people thereof, he continuing in communion with us and "complying with the Rubrics and Canons of the Church." And then the Prayer that the ministry and service of him appointed may be blessed, is accompanied with the declaration that "Jesus had promised, to be with the Ministers of Apostolic succession to the end of the world."

Again, in a most solemn declaration, proclaimed in the

* Canons v. and vi.

‡ Ordering of Priests.

† Canons ix. and x., tit. 1.

§ Ibid.

Church of England in 1550, drawn by the great leader of the Reformation, Cranmer, and adopted in our own Formula, the Church avows: "It is evident to all men, diligently reading Holy Scripture and ancient authors," etc.*

The other standards of our Church pertinent to the subject, are the 32d, 23d, and the 19th of the Articles of 1801.

By the 32d Article it is declared, "that the Book of Consecration of Bishops and Ordering of Priests and Deacons, as set forth by the General Convention of this Church in 1792, doth contain all things necessary to such Consecration and Ordering; neither hath it anything that of itself is superstitious and ungodly; and therefore whosoever are consecrated or ordered according to said Form, we decree all such to be rightly, orderly, and lawfully consecrated and ordered."

The 23d Article is, "It is not lawful for any man to take upon him the Office of public preaching or ministering the Sacraments in the congregation, before he be lawfully called and sent to execute the same. And those we ought to judge lawfully called and sent, which be chosen and called to this work by men who have public authority given them in the congregation, to call and send ministers into the Lord's vineyard."

In the 19th Article the visible Church of Christ is defined to be a congregation of faithful men, in which the pure Word of God is preached, and the Sacraments be duly administered according to Christ's ordinance.

In the 24th Article the title is, "Of speaking in the congregation in such tongue," etc., but in the body of the Article the phrase is, "to have public prayer in the Church," etc. So in the 23d Article of 1552, the English word is Congregation, but in the Latin text of that year and of 1571 it is *Ecclesia*.

We may conclude that the framers of the Articles used the word Congregation in these places as synonymous with Church. The Bishop of Ely notices that to a modern

* Stated in full, ante, p. 265.

reader, used to the language of Congregational Dissenters, this translation has a different sound to that which it must have had at the time of the Reformation. (On the Articles, p. 550.)

Every one will see a difficulty in ascertaining what fulfills the condition in the 19th Article of preaching the pure Word and duly ministering the Sacraments so as to be deemed a Church. I presume that a Unitarian congregation would not be included. But let us suppose that the condition is in many of the Christian bodies complied with.

We have then three constructions of the Article, one of which is to be adopted :

That there can be no lawful authority to ordain anywhere except Episcopal.

That there may be and are Churches in which ordination, so far as such Churches are specially and exclusively concerned, and no further, may be otherwise given.

That the ordination of ministers in such Churches by those therein appointed to ordain makes them ministers of every other Church, or at least competent to officiate in such Church.

We submit whether, had we nothing to guide us but the Article, the latter is not the most unnatural and forced of all the possible constructions. But read it by the light of all the explicit formularies ; apply to the question those sound principles of interpretation above noticed, and it seems an impossibility to adopt this version.

Concede that the other sense may be allowed, that an ordination in a particular Church, for the ministrations in that Church, other than Episcopal ordination, is valid ; by what power of reasoning will this sanction the ministers officiating in another Church where the lawful authority to call is vested in persons, and in a manner entirely and fundamentally different ?

In the Dutch Reformed Church there is a license to preach given by Classis. The call to minister in a particular congregation is given by such congregation. On examination the candidate is to sign a formula of conformity to the

Confession and Catechism of the Dutch Reformed Church, with the explanations of the Synod of Dort. His ordination is under the direction of Classis; is by a minister who questions him as to his faith, etc., and who, with other ministers present, lays hands upon him. And he avows the belief "that all ministers of the Gospel are equal in rank and authority, all are bishops or overseers of the Church, and all are equal stewards of the mysteries of God. No superiority shall therefore be claimed by one minister over another, nor shall there be any lords over God's heritage in the Reformed Dutch Church." (Constitution, § 19.) This "lords" means Bishops.

Can it be imagined that the framers of our Articles meant that one thus instructed, thus pledged, could minister in Episcopal churches; that one who disbelieved, who was bound to disbelieve, the system of Episcopacy, was qualified to teach and instruct Episcopalians?

But it is claimed that the 23d Article recognizes the validity of other than Episcopal ordinations. We shall endeavor to settle, upon authority and reasoning, the sense of that Article. It has been before alluded to, but not with that fullness which its great importance demands. We shall state the views of a class of writers in their own language.

Mr. Goode says: "The Article is evidently drawn up so as to comprehend the foreign Protestant Churches. It does not pretend to define what our own Church's particular mode of calling and sending ministers is, but it states the tenets of what may be considered a lawful calling." (Appendix, p. 81.)

Again: "It is difficult to understand how any one can read this Article and not see how carefully it is worded, so as not to exclude from lawful callings the ministers of foreign Protestant Churches." (P. 77.)

In reply to the argument of the Bishop of Exeter, that the 23d Article leaves to a subsequent Article (the 36th) to tell us whom they are to whom the power is given (the 36th Article sanctioning the Ordinal, and of course the Preface),

Mr. Goode remarks, "that the words 'or hath formerly received Episcopal ordination' were not inserted until the review in 1661, by the Laudean divines." *

One of our own writers says: "Then the Ordinal is committed to a view fundamentally contrary to the Articles; the 23d Article undeniably recognizing the validity of the other ministries." (Lawfulness of Occasional Non-Episcopal Ministrations.)

The Rev. J. Cotton Smith remarks: "That the definitions of the Church and the ministry in the Thirty-nine Articles were purposely drawn up, so as to include non-Episcopal Churches and ministers. Nothing but this supposition, even if there were not the most conclusive historical evidence on the subject, can explain the fact that in the Articles of Faith of an Episcopal Church, defining the Church and the ministry, there is not the remotest allusion to Episcopacy or Episcopal ordination." (Plea for Liberty, p. 19.)

The Rev. Dr. Canfield says: "No historical fact is more evident than that the Thirty-nine Articles, which are expressed, in carefully-selected technical phraseology, to set forth her doctrines and principles, not only avoid taking this position of exclusion, but that in defining the visible Church, and declaring what is necessary to constitute ministerial authority, language was employed which was *purposely designed to recognize* the validity of the Orders of the non-Episcopal Churches of Scotland, and of the continent of Europe." (Letter of June, p. 5.)

Again: "The truth is as plain on its face as in contemporaneous history, that the Article is carefully worded, *so as to acknowledge* the validity of the ministry of the Scottish and foreign non-Episcopal Churches." (Letter of July, p. 14.)

Let the progress of the proposition be observed. Mr. Goode presents it at one time thus: The Article does not exclude the validity of foreign Orders. Then: The Article

* He omits to state that the previous Ordinals, from 1542, were substantially the same, "not being now Bishop, Priest, or Deacon."

comprehends, includes, foreign Orders. Again (but I believe only by divines of our own Church), the Article was *purposely drawn* to include the validity of Orders in foreign Churches; and lastly, the Article was plainly intended to recognize the validity of other ordinations than Episcopal.

The following are the comments of a number of writers upon this 23d, often in connection with the 36th, Article:

Thomas Rogers, chaplain of Archbishop Bancroft, wrote upon the Articles in 1586. He says: "It is agreeable to the Word of God and practice of the primitive Church that there should be Archbishops, Bishops, and such like differences of ecclesiastical ministers."

"From the Apostles' days hitherto there never wanted a succession of Bishops, neither in the Eastern or Western Churches, albeit there have been sometimes both marprelates and mock-prelates, abusing their function to the discredit of their calling. So provident hath the Almighty been for the augmentation of His glory and people, by this kind and calling of men."

"Among the adversaries of these truths are, 1. The Jesuits, who cannot brook Episcopal pre-eminence, and have made a law for the abrogation of all Episcopal jurisdiction. 2. The Disciplinarians or Puritans among ourselves . . . who say that by the prelatical discipline the liberty of the Church is taken away, and that instead of Archbishops and Bishops an equality must be made of ministers."

"By imposition of hands, and needful and seasonable prayers, they be consecrated and ordained; and all this is performed by those persons, that is, by Bishops, to whom the ordination and consecration of Bishops and ministers was always principally committed." I presume the word *principally* is used in reference to the concurrence of Presbyters in laying on of hands.

Rogers deduces from the 23d Article six propositions: "1. No one may publicly preach but such as are thereunto authorized. 2. They must not be silent who by office are bound to preach. The Sacraments may not be administered

in the congregation, but by a lawful minister. 4. There is a lawful ministry in the Church. 5. They be lawful ministers which be ordained by men lawfully appointed to the calling and sending forth of ministers. 6. Before ministers are to be ordained they are to be chosen and called."

Then Rogers proceeds to quote the Confessions and Formularies of foreign Reformed Churches, and as to each of the above propositions states, there is a conformity of views in such Confessions.

Mr. Goode quotes these deductions of Rogers, and then says: "And this is testimony not only as to the meaning of the Article, but as to the light in which the foreign non-Episcopal Churches were then regarded by the authorities, even by Archbishop Bancroft."

Now to present a fair representation of Rogers's views, some at least of the passages above cited should have been given. Mr. Goode does not quote one.

The opinions of Bancroft are of so decided a character, that the Rev. Dr. Tyng says, that as far as his information goes, he was the first to hold the exclusive tenet of the validity of Episcopal orders only.

The judgment of Rogers in favor of foreign ordinations is deduced from his finding an identity of propositions in foreign standards with those in the Article. Yet there would be no inconsistency had he in the next sentence declared Episcopal ordinations exclusively valid, when it may with much strength be argued that he really thought so; and when he denounces most decidedly all ordinations in England not Episcopal.

Samuel Wix wrote a work called "Illustrations of the Thirty-nine Articles." He cites the 23d and 36th Articles, and says:

"From this brief review of the order observed first by Christ, and afterwards by his Apostles, in appointing ministers in his Church, it seems that none are qualified to administer the Sacraments and preach the Word but they who can trace their authority from Christ.

“To the inquiry, then, who are they that have public authority given unto them in the congregation to call and send ministers, it may be replied that the Bishops have this authority, acting in succession to the Apostles. And those ministers ordained by them are they whom we ought to judge lawfully called and sent into the Lord’s vineyard.” (P. 217, 220.)

Bishop Skinner, Primus of Scotland, in his work, “Truth and Order,” says: “As the 23d Article is sufficient to show the necessity of such a lawful commission, so the 36th Article plainly declares that the persons invested with such a commission are the Bishops, Priests, and Deacons, who are duly consecrated and ordered according to the rites of the Book referred to in that Article.” (P. 132.)

Bishop Tomline, on the 23d Article (Theology, p. 536), observes: “In every Church in which Episcopacy prevails, the uninterrupted succession of the Bishops is considered as essential to the power of ordaining and consecrating.”

In a passage quoted by Mr. Goode (p. 70), he says: “I readily acknowledge that there is no precept in the New Testament which commands that every Church should be governed by Bishops. . . . As the Scriptures do not prescribe any definite form of Church government, so they contain no directions concerning the establishment of a power by which ministers are to be admitted to their sacred office.” (23d Article, ed. 1799, p. 386.)

Yet he writes: “It appears, then, that no species of Church government, except the Episcopal, and no mode of ordination, except by Bishops, have any claim to the sanction of the primitive Church of Christ.” (P. 536.)

Dr. T. Bennet, in his observations on the 23d Article, says: “That the framers of the Article omitted any definite statement as to the parties authorized to ordain from tenderness to those with whom they wished to be reconciled.”

Archdeacon Welshman (1713) discussed the Articles. On the 23d he observes:

“We know that this power (ordination) was granted only to the Bishops from the age of the Apostles to the time

of the Reformation; but that from thenceforward some Churches, who in other things were rightly reformed, have allowed it to presbyters. We neither judge or despise them; but the case is widely different with our own countrymen, who, rebelling against an excellently well constituted Church, have arrogated to themselves the power of ordination. These, therefore, we rightly and deservedly account guilty of schism and irregularity."

Mr. Boys, vicar of Coggshall, in an exposition of the Articles (1717), observes: "Are those true ministers which own they receive it (the commission) from men, from the presbyters of the Church, by the imposition of hands and prayer? Our Church declares against these, for the Article says, 'they must be called to the work by men who have public authority given them in the congregation to call and send men.' This congregation can be reputed none other than the Catholic Church; and that has never given or allowed unto presbyters alone, power or authority to send laborers into the Lord's vineyard."

Edward Bickersteth, in his work on the Articles, says: "In the Christian Church, as founded by the Apostles, there were two gradations of inferior orders, one higher than the other: and there was a third order higher, superior to them both, with power to ordain the two inferior orders, and to take the general oversight over them and of the Church."

He quotes also, as showing his own judgment, the following passage from Hooker: "Let us not fear to be herein bold and peremptory, that of anything in the Church government, surely the first institution of Bishops was from Heaven; was even of God; the Holy Ghost was the author of it." And from Sanderson: "The Bishops are the lawful successors of the Apostles, and inheritors of their powers."

Waterland observes: "As to rejecting the pretended ordination of mere presbyters, the practice is consistent with the doctrine of our Church, and conformable to our 23d Canon."* (Works, Vol. X., p. 184.)

* Undoubtedly meaning *Article*.

Werner wrote upon the Articles. He says : " Our adversaries have been challenged long since to produce an ordination during the first 1500 years after Christ, which was performed by presbyters, and not generally looked upon as invalid. Whereas, on the other hand, they who have been ordained by mere presbyters in the primitive times, have been stripped of their pretended orders, and turned down to the Lower form." (Apud, Tomline on Articles.)

Professor Hey : " The expression, who have public authority given unto them in the congregation, seems to leave the manner of giving the power of ordaining quite free : it seems as if any religious society might, consistently with this Article, appoint officers with power of ordination, by election, representation, or lot ; as if, therefore, the right to ordain did not depend upon any uninterrupted succession." (Lect. on Divinity, Vol. IV., p. 166.)

Bishop Beveridge upon the 23d Article states : " Christ called the Apostles ; the Apostles, by the appointment of Christ, called others to succeed them ; they again, others ; and so there has been a succession of lawful ministers ever since. So that none are now lawful ministers but such as are thus called by him : and all thus called are lawful ministers. I mean all such as are called by such as succeed them in the ministry who were called immediately from Christ himself, for these are they which certainly we are to understand by those mentioned in this Article, ' Who have public authority given unto them in the congregation.' " " If we once suppose that the primitive Church generally erred in their ordination of ministers, then we must grant also that there has never been a lawful ministry since ; and if there be no lawful ministry, there can be no true Church."

" And thus we see how in the primitive Church it was Bishops only that ordained Priests, and they were no Priests who were not ordained by Bishops." (Oxford ed., 559.)

Bishop Gibson (Codex, Vol. I., p. 99, Title 3), commenting on the Preface to the Ordinal, says : " *Lawful authority*. It is supposed this general expression was used, lest the direct limiting of it to Episcopal ordinations should give offence

to the Protestant Churches abroad; but that they meant Episcopal authority is plain enough from the last clause."

"*Had formerly.* This last clause seems designed to allow of Romish converted Priests who were ordained by Bishops before, and whom we receive without re-ordination if they renounce their errors, because that Church preserves the order of Bishops, and the substance of many primitive forms, though corrupted."

Commenting upon the 23d Article (Vol. I., p. 138), he has the following: "*It is not lawful.*" This Article was framed upon the Preface before the Forms of Ordination, which see before Title 3.

Bishop Burnet (on the 23d Article) says: "If such a body, finding some that have been ordained, though to the lower functions, should submit itself entirely to their conduct, or, finding none of these, should, by a common consent, desire some of their own number to minister unto them in holy things, and should upon that beginning grow up to a regular constitution; though we are very *sure that this is quite out of all rule, and could not be done without a very great sin, unless the necessity were great and apparent*,—yet if the necessity is real and not feigned, this is not condemned nor annulled by the Article. We are very sure that not only those who penned the Articles, but the body of this Church, for half an age after, did, notwithstanding those irregularities, acknowledge the foreign Churches so constituted to be true Churches as to all the essentials of a Church, though they had been at first irregularly formed, and continued still to be in an imperfect state; and therefore the general words in which this part of the Article is framed seem to have been designed on purpose not to exclude them." (On the Articles, ed. 1833, p. 307.)

The Bishop of Ely (Browne), treating of the 23d Article, observes: "The latter portion of the Article is somewhat vaguely worded, the reason for which is easily traced to the probable fact, that the original draught of the Article was agreed on in a conference between the Anglican and Lutheran divines. It would have been painful to the latter if a

strong assertion of the need of Episcopal ordination had been inserted when they were debarred from Episcopal regimen. Hence it is but generally asserted, that lawful calling can only be given by those who have public authority in the Church to send laborers into the vineyard. But then we may observe that the authority of the English Ordinal is expressly made the subject of Article 36; and to see the force of the latter on our present Article (the 23d), we must have recourse to the Ordinal, as expressing the mind of the Reformers on this subject."

The Bishop of Brechin's Explanation of the Thirty-nine Articles (1868) treats but slightly upon the subject. It is enough to show his opinions to quote this passage:

"We have distinct evidence at the end of the second century that this hierarchical constitution prevailed universally, without any known exception, throughout the whole of the Christendom. . . . If we consider the difficulties of the transmission of intelligence, the rarity of the occasions of communication, the deep-rooted ethical peculiarities of the tribes which were converted to Christianity, we can in no way account for it save on the supposition of the threefold Ministry being a part of the original constitution of the Christian Church." (Vol. II., p. 427.)

And Bishop White: "Thus was she (the English Church) compelled to re-ordain those whom she received from any non-Episcopal Communion to her own. By which act nothing more is necessarily implied than that she supposes an imperfection attendant upon their former orders, which she does not make a ground of the condemnation of others, but which she will not allow of in herself." (Opinions, p. 11.)

These extracts comprise the opinions of sixteen writers upon the Articles. Of these, six hold in the most explicit terms that there can be no valid ordination whatever, except Episcopal, and that the 23d Article means this, and nothing else. Three hold that such Article is not itself determinate and positive, but is to be considered in connection with the 36th, which is interpreted by the Ordinal. Ambiguity is thus removed, and the result is the same. None

but Episcopal ordinations are valid within the sense of the Article.

Others hold that the Article was worded so as to avoid in terms condemning the orders of foreign Churches, a position strongly supported, and very different from that of its being drawn purposely to recognize them. Others, again, consider that it admits the abstract validity of such Orders in and for ministrations in such foreign Churches. The judgment of Rogers, the earliest of these writers, certainly excludes the validity of any Orders conferred in England, except Episcopal; and Burnet, we apprehend, was of the same opinion.

One writer, indeed, Professor Hey, considers that Ordination in every Church or congregation is Ordination for every Church everywhere. By his construction, a call in a Unitarian or Independent Society merely by the congregation, is as much sanctioned by the Article as any other.

When we find nine men of learning and talent, expressly studying and expounding the Article, giving it a sense which excludes everything but Episcopal Ordination; when we find not one out of sixteen (except Professor Hey) distinctly stating that the Article was meant to recognize any other, we are entitled, if not bound, to reject the position that "it was purposely drawn, or plainly intended, to allow the validity of other Ordinations."

But all this is surely enough to warrant the conclusion, that the Article is not decisive, but does admit fairly of another interpretation; and the moment this is admitted, a comprehensive, settled rule of construction leads us to the other Formularies of the Church for explanation.

This is an accepted rule, sanctioned by numerous learned judges.

Thus in *Ditcher vs. Denison*, Dr. Lushington said: "It was only in the case when an Article was fairly capable of two meanings that such references (to the opinion of learned divines) would be admissible; and in that case recourse should first be had to the Liturgy and the other Formularies."

A similar doctrine is laid down in the Gorham case, in *Heath vs. Brender*, and *Williams vs. Salisbury*.*

Guided by a rule so plain and sensible, no cautious thinker can hesitate to say, that the 23d and 36th Articles and the Ordinal read together allow only of Episcopal Ordinations, for qualifying any one to perform any office or function of the ministry in the Church of England. The case is, if possible, stronger in our own Church.

The views and statements of the leading Reformers and of writers near their age are of high, though secondary, importance upon the question. We have transcribed a large mass from their writings, and arranged them in the following manner :

1. From the beginning of the Reformation to the statute of 13 Elizabeth, chapter 12, A.D. 1571.

2. The first section of that statute, and whatever tends to illustrate it.

3. From that time, 1571, to 1606, with two citations from authors of a little later date.

4. A document of 1689 of especial importance.

First.—Within the first period we have Archbishops Cranmer and Parker; Bishops Alleys, Pilkington, and Jewell; Becon, Chaplain to Cranmer, and Robert Hutchinson.

We may confidently say that, in all the writings of all these authors, there is no word approving or allowing other Ordinations, foreign or otherwise, but further there is no word alluding to them.

Archbishop Parker is silent as to other Orders, and tolerated nothing but a Bishop's Ordination within the kingdom.

Alleys and Pilkington treated Episcopal power as of the Church's appointment, but as a law established for the whole world. They deem it of entire obligation. There is nothing to warrant an inference that they would approve of its violation, because they did not trace it to a divine origin.

Becon, without a direct word upon the subject, may, by a

* All reported in Ecclesiastical Judgments of the Privy Council.

plausible line of reasoning, be considered as favoring other Ordinations for other Churches.

It is not possible to affirm positively what were Bishop Jewell's views. But two things are remarkable and suggestive. In his absorbing condemnation of Rome, he declares that if every Bishop in England was lost, they would resort to the individual Priesthood, inherent in some degree in every Christian man, to keep up a Church. And next, while thus touching the subject closely, he omits to say one word as to Ministers not Episcopally ordained, supplying the loss.

The opinions of the greatest and most influential of all the Reformers, Archbishop Cranmer, require a more full examination. The progress of his views is marked.

In 1537, he speaks of the Sacrament of Orders having the two Elements of a true Sacrament,—an outward visible sign, and an inward grace. In 1552, he prepares or adopts the 25th Article denying Orders to be a Sacrament with Penance, etc., “for that they have not any visible sign or ceremony ordained of God.”

In 1537, 1540, and 1543, his views as to Transubstantiation, and the Sacrifice of the Mass, were strongly Romish. In 1558, he wrote his elaborate book upon the Sacrament, denouncing the dogmas of Rome; and in 1552 approved of the 28th Article condemning them.

Now a false view as to the Sacrament of the Lord's Supper leads to a false view as to Orders. The pre-eminence of a Bishop over a Priest was, according to the Schoolmen, merely a higher authority in the same Office. The Sacramental character was in a Priest in a degree which could not be surpassed. The power of creating the body of Christ was superior to the power of governing the mystical body; consequently the latter was inferior in its nature to the former. Hence arose the common opinion in the Romish Schools that Bishops and Priests were of one Order, and hence that Bishops were only superior by the rule of the Church, and finally, by allowance of the Pope.*

* Rev. Dr. Seabury's *Continuity of the Church*, etc., p. 147. He adds:

Thus, it was a natural sequence of intellectual progress that, as the corrupt tenet of the Mass waned before the advancing intellect of Cranmer, the true primitive Doctrine of Episcopacy, the transmission of a superior power by direction of Apostles, and the equality of thrones, rose into strength, and found its full expression in the Ordinal, the Catechism, and the *Reformatio Legum*.

Nothing can be more fallacious or illogical than the conclusion of Mr. Goode, that Cranmer would have recognized foreign Orders as valid because of his early opinions as to the identity of Order of Bishops and Priests. Had he died in that belief, the inference would be unwarrantable. It was the settled rule even of Romanists who held that tenet, that Bishops alone had the power of ordaining. Even Thomas Aquinas, the leader of the Schoolmen, writes thus: "In this sense, that the Bishops having power in sacred and hierarchical actions in regard to Christ's mystical body above the Priest, the Office of Bishop is an Order." *

Eugenius the Fourth declared: "The ordinary ministrator of this Sacrament is the Bishop."

The Council of Trent declares, Bishops are superior to Presbyters; they confer the Sacrament of Confirmation, ordain Ministers of the Church, and can perform other and many things, as to which functions others of inferior order have no authority.†

Van Espen considers that the Council speaks of the ordinary power of ordaining, stating that Abbots were privileged to confer the minor Orders; and he notices that Priests have sometimes received a delegated power to ordain Deacons and even Presbyters, citing Marinus as to such power given by the Pope.‡

Second.—The first section of the statute 13 Elizabeth, cap. 12, is next to be considered. It is as follows:

"The divine right of Episcopacy is as much denied by Romanists as it is by Presbyterians and Independents."

* Dr. Seabury's *Continuity*, etc., p. 147.

† Sess. 23, cap. 2.

‡ *Jus. Universum*, Tome 1, p. 499.

“Every person under the degree of a Bishop which doth or shall pretend to be a Priest or Minister of God’s Holy Word and Sacraments, by reason of any other form of Institution, Consecration, or Ordering than the form set forth by Parliament in the time of Edward VI., and now used in the reign of our Gracious Sovereign before the Feast of the Nativity next ensuing, shall, in the presence of the Bishops, declare his assent and subscribe to the Articles of Religion which only concern the profession of a true Faith and Doctrine of the Sacrament comprised in a Book entitled ‘Articles of Religion agreed upon in the year 1562,’ and any one who shall not before the said Feast do as above appointed shall be deprived.”

Upon the repeal of the statute of Edward establishing the Ordinal, Romish Ordinations were resumed. Many persons fled the realm on account of Mary’s persecutions, and joined the Reformed Churches of the continent. Some received Orders in them, and upon the accession of Elizabeth, returned to England.

It is not disputed that the statute covered Romish Ordinations had during Mary’s reign. It is asserted that it extended to foreign Ordinations and those made in Scotland, according to their several Forms. The letter of the statute certainly covers such cases.

We have examined the following authorities: Keble’s Preface to Hooker, p. 38; Strype’s Annals, Vol. III., p. 104; Bishop Cosin’s Letter to Cordel, cited in Goode on Orders, p. 65; Bishop Fleetwood (Works, p. 552); Bishop Hall (Defence of the Humble Remonstrance, in Vol. IX., p. 680); Travers’ Supplication and Whitgift’s Replies (Hooker’s Works, Vol. III., p. 548, Keble’s edition); and Strype’s Whitgift, Vol. III., p. 181; Morrison’s Case, Strype’s Grindall and Appendix, No. 12; Wittingham’s Case, before Archbishop Sandys, and Bishop White’s remarks (Memoirs, by Wilson, p. 216); Neal’s History of the Puritans, Vol. I., p. 284; Hopkins’ Puritanism and Queen Elizabeth, Vol. I., p. 395–400; Burnet on the Articles, Article 23.

It is fully made out that the claim of Foreign and Scot-

tish Orders being within the statute was repeatedly made. It is the best supported conclusion that this claim was extensively allowed, and was the ground of the practice noticed by the writers, of admission to benefices of persons so Ordered.

And the political situation of the kingdom and the course of Queen Elizabeth, furnishes an argument of no little weight. It is well known that many of her leading councillors were favorable to the foreign Churches, and even to Dissenters at home.

In the year 1566 the Thirty-nine Articles had been ratified by the House of Commons, and the Act had been favorably received by the Lords. The Queen peremptorily interfered with the Bishops, and arrested its progress. At that time the power of Spain was the subject of her anxiety and dread, and she would not offend the most bigoted of monarchs by approving of Articles so condemnatory of Popish doctrine. She had also been driven to disown the proceedings of the Scottish Lords against Mary. But in 1570 she had been excommunicated by the Pope, and Parliament had answered the blow by declaring those guilty of treason who should publish Absolutions or Rescripts of the Pope, or should by means of them reconcile any man to the Church of Rome. Then in 1571 this statute was enacted, and its second section gave full parliamentary sanction to the Thirty-nine Articles.

The true guide to an understanding of the actions of this great Queen, the masculine Sovereign, and unfeminine woman, is found in her resolution to die a monarch, and to save her realm from the foul shame of the tread of a foe.

The bigotry of Philip was to be conciliated, or not defied, so long as policy could avert his resentment. When in 1570 she and her kingdom were put beneath the ban, hesitation was over. The lance of the Pope had been levelled against her diadem, and power and life depended upon her strengthening the Protestant influence abroad, in Scotland, and at home. Her course was then decided. She had forbidden the Host to be raised at her Consecration, and again at the

Celebration of Mass in her Chapel.* She afterwards allowed to be expunged from the Litany that memorable sentence of Edward's Book, "From the tyranny of the Bishop of Rome and all his detestable enormities, Good Lord deliver us." Then she restored in her private chapel incensing and the crucifix, against the remonstrances of the Bishops. Then she defeated the ratification of the Articles by Parliament in 1566, and then, in 1571, gave them her approval. Her fluctuations, either as to a public avowal of doctrine or Ritualistic observances, followed the changes of her political position.

Assuming that a construction of the statute which allowed foreign Ordinations upon subscription, was perhaps intended and did prevail, we are next to consider its extent and duration. The most natural construction seems to be, that it related only to the cases of those who at its date had received their orders and should subscribe before the ensuing Christmas, or were ordained and subscribed in the interval. The Act would then only be in force as to and during the lives of such persons. For example : one ordained in 1571, but after the Act, of the age of twenty-four years, and allowing seventy years as the term of life, would die in 1617. The operation of the statute would, on this theory, be approximately fixed.

But it is obvious that the class in such case could not have been numerous; and it is consistent with all the information we possess, that the statute was construed to mean a subscription to be made before the Christmas ensuing the pretence of being a minister; in other words, after the ordination. If so, then the statute would remain in force until the Act of Uniformity of 12 Charles II., 1662.

Allowing such construction of the statute, we have one very important observation to make. It was the act of the State, without the concurrence or sanction of the Church. Convocation never affirmed it. Convocation framed and adopted the Articles which the statute in its second section ratified; but this provision was never adopted. The clause

* Southey's Book of the Church, p. 174; Procter's Book of Com. Prayer, 53.

authorized the enjoyment of the temporalities, and the courts of law would have sustained the rights of those instituted. The Church and clergy submitted to Acts of Parliament. Their allegiance bound them to obedience; but in every period, the wisest and truest of Churchmen have held that nothing expressed the doctrine, will, or rule of the Church in its integrity and fullness, but what had received the sanction of Convocation.

We were pleased to find that an acute writer has appreciated this argument, and sought to answer it. After referring to the statute, he says: "Let it not be said that the ecclesiastical sanction was not given. The King represented the supremacy of ecclesiastical power, as the Pope did before. So the consent of the Church was given." (Dr. Hopkins, *ut supra*.)

No position ever taken by an able man is more thoroughly groundless than this. The King never, in the judgment of the Church, or any English divine worthy to be quoted for station or learning since the days of Henry VIIIth, represented the Church in matters purely spiritual, such as the conferring of Orders.

The doctrine of the Church is that of Laud in his defence. The statute (26 Henry VIII., cap. 1) speaks plainly of jurisdiction *in foro contentioso* and places of judicature, and no other. All their forensical jurisdiction Bishops derive from the crown. But "my order, my calling, my jurisdiction *in foro conscientie*, is from God, and by divine and apostolical right."

But it is enough to refer to a striking document only lately brought to light,—a declaration of Queen Elizabeth issued in 1569. Mr. Froude, we believe, first noticed it, and it is given at length by Mr. Haddan.*

After stating what was her claim, the Queen proceeds: "Without that thereby we do either challeng or take to us (as malicious Persons do untruly surmise) any superiority to ourself to defyne, decyde, or determyne any Article or point of the Christian faith, or to chang any ancient cere-

* Apostolic Succession, App.

mony of the Church from the Form before received, or the use of any function belonging to any ecclesiastical person, being a Minister of the Word and Sacraments in the Church."

Next, we have examined, at great length, the judgment of writers and divines between 1571 and 1606. Within that period we find Archbishops Whitgift, Grindal, Sandys, and Bancroft; Bishops Bilson, Overall, and Cooper; and Hooker, Rogers, Field, Bridges, and Saravia. Bishops Andrewes and Hall published somewhat later, but doubtless had formed their opinions within that time.

The judgment of Whitgift, Bilson, Overall, and Bancroft is in favor of the exclusive validity of Episcopal Ordinations; yet they allow that salvation is within the pale of Churches without it. Saravia and Hooker are decided as to the necessity of Episcopal Ordination where it can be had, but when there is an impossibility of this, necessity will warrant another. Hall and Andrewes declare Episcopacy to be of divine institution; that Churches without it are without something divine, yet are true Churches, and their Ordinations not to be held void. Field holds to the superiority of Bishops, and that in them alone generally the right to ordain exists; yet, in case of extreme necessity, other Ordinations may be had. The opinions of Rogers are before stated. And of the whole list, Bridges alone can be cited as approving orders generally.

The just conclusions, from the whole mass of authority, from 1549 to 1606, are: That the chief leaders and defenders of the Reformation refused to ostracise the members of the Churches of other lands from the kingdom of the Saviour. Many looked with indulgence, some with approval, upon Presbyterian Ordinations when there could be no other. The deep conviction of the necessity of a spiritual transmitted ministry led to this. But two propositions are distinctly and uniformly uttered by the English Church through its whole course. For ministrations in the Church of England within the realm, Episcopal Ordination is indispensable. Where there has never been an impossibility of having it, it alone is valid.

This tenet and rule, the Church of England carried with her into every land in which she was planted. The Colonial Church of our own country recognized and obeyed it in sending her sons across the ocean for Ordination, and in her efforts to obtain Bishops at home.

The Protestant Episcopal Church in its earliest day recognized it. At the close of the war several went to England, and an Act of Parliament was had dispensing with the oath of allegiance upon their Ordination.

There remains one document of so much importance, that we cannot refrain from copying it in full. In 1689 the Commissioners upon the Book of Common Prayer, were Lamphigh, Compton, Spratt, and Burnet, then Bishops; with Stillingfleet, Sharpe, Tillotson, and others, subsequently made Bishops. Most of them are known as Latitudinarian divines. They submitted the following:

“Seeing that the Reformed Churches abroad are in that imperfect state that they cannot receive Ordination from Bishops, it is humbly proposed whether they may not be received by an imposition of hands in these or such-like words: ‘Take thou authority to preach the Word of God, and to minister the Holy Sacraments in this Church, as thou shalt be lawfully appointed thereunto.’

“Whereas it has been the constant practice of the Ancient Church to allow no Ordination of Priests or Deacons without a Bishop; and that it hath been likewise the constant practice of this Church, ever since the Reformation, to allow of none not Ordained by Bishops, where they could be had, yet in regard that several in this kingdom have of late years been Ordained only of Presbyters; the Church, being desirous of doing all that can be done for peace, and in order to the healing of our dissensions, has thought fit to receive such as have been Ordained by Presbyters only, to be Ordained according to this Office, with the addition of these words: ‘if they shall not have been Ordained already.’ By which, as she retains her opinion and practice which makes a Bishop necessary to the giving of Orders, where he can be had, so she does likewise leave all such persons as have been Ordained by

Presbyters only, the freedom of their own thoughts concerning their former Ordinations.

"This was not, however, to form a precedent for the time to come, and was only to be granted to such as should be Ordained before the day of ——." (Procter's Book of Common Prayer, p. 158.)

These propositions were not submitted to Convocation, it being certain that they would be rejected by the Lower House.—*Ibid.**

We shall briefly notice the Canons passed by the Church upon the subject. In 1792 the first was adopted without any title. *No stranger* shall be permitted to officiate in any congregation of this Church, without first producing the evidences of his being a Minister thereof to the Minister, or, in case of vacancy or absence, to the Churchwardens, Vestrymen, or Trustees of the Congregation. And in case any person not regularly ordained shall assume the ministerial office, and perform any of the duties thereof, in this Church . . . his name, with the offence, was to be published in the public papers. Upon the Revision of the Canons, in 1808, the Canon was the 35th of that year. In 1832 the word "stranger" was altered to "person," and the last clause of the old Canon was omitted.

Under this Canon (as contained in the Digest) a majority of an Ecclesiastical Court in Rhode Island held, that the Canon was only intended to prevent the officiating of persons claiming improperly to be Ministers of the Protestant Episcopal Church.

It is needless to refer to arguments and documents tending to show the inaccuracy (as we think) of this conclusion. In 1868 the Canon was altered so as to remove the possi-

* We beg to express our obligations to the author of *Vox Ecclesiae*, for great aid in preparing the foregoing observations. No man ought to write upon these subjects without reading this book. It is superior to anything published in England in the contest with Mr. Goode. I presume to say no honest reasoner will hereafter depend upon Mr. Goode's statements of the opinions of writers, if he has read the work; and if he has not read it, he cannot be just without doing so.

bility of doubt, and effectually to preclude any but a Minister of this Church from officiating in a Congregation. (Canon ii., Tit. i., 1868.)

I shall close this branch of the subject with a reference to the opinions of some of our eminent prelates.

The judgment of Bishop White was expressed repeatedly and strongly. In his Charge to the Convention of 1807 he quotes the 23d Article in full, and says : " In this Article the sense of the Church on the question in whom the authority is vested is left to be gathered from other of her institutions ; but it is affirmed that without the sanction of that authority there can be no commission and no right to the exercise of the ministry." *

" On the ground of Scripture, as explained by antiquity, our Church retains the succession of the Episcopacy ; and therefore she goes on in the Preface to the Ordinal to decree that no man shall be considered as a lawful minister within her pale, unless he be admitted according to the ensuing services, or hath had Episcopal consecration or ordination."

" The English Church determined that none not Episcopally ordained should officiate in her services ; and thus she was compelled to re-ordain those whom she received from any non-Episcopalian communion to her own, by which she supposes an imperfection in their former orders, which she does not make a ground of the condemnation of others, *but will not allow of in herself.*"

" And this is a property of her system (Episcopacy) which every one of her ministers, while he continues such, is bound to carry into effect in all the obvious consequences resulting from it."

The Pastoral Letter of 1817 treats particularly of the occasional intercommunion of services desired by some persons, and in language of marked strength condemns it. The Bishops were—White, Hobart, Griswold, Dehon,

* Opinions of Bishop White upon interchanges, etc. Philadelphia, 1868.

Moore, Kemp, and Croes. (See also the Pastoral Letter of 1832.)

In the Bishop's Charge to the Convention of 1822, he says: "Our Church affirms Episcopacy to rest on Scriptural institutions, and to have subsisted from the beginning. On the various governments of other societies she pronounces no judgment. The question is not whether we think correctly, but whether we are to be tolerated in what we think. If this be determined in the affirmative, we must, to be consistent, interdict all other than an Episcopalian ministry within our bounds."

In the Address to the Convention of 1826, after speaking of the three orders received in the Church as instituted by the Apostles, and universally retained for about 1500 years from the beginning, he adds, "that could he foresee that the points stated would be dismissed or disregarded, he would make the request of Hagar in the wilderness, 'Let me not see the death of the child.'"

The Right Reverend Bishop McIlvaine says: "It is the doctrine of our Church that the line of succession has been through a ministry consisting of three orders, and through the higher order of the three, the Bishops of the Church."

"As to imparity, or in other words, divers orders of ministers, the doctrine of the Church is, that this feature of the ministry is of Divine appointment. You want no stronger evidence of this than the declaration in the Office for the Ordination of Priests: 'Almighty God, who by Thy Holy Spirit hath appointed divers orders of ministers in the Church.'"

"Then as to when this imparity began, and on what evidence the belief of it is based, the Preface to the Ordinal speaks explicitly, 'It is evident,' etc. From this declaration it is clearly the doctrine of the Church that not only ancient authors, but Holy Scriptures, teach the Apostolic origin of an Episcopal ministry in the three orders just named. And since it is by none pretended that there were of right *two* descriptions of ministry in the Apostles' time—the one such as has been mentioned, the other of an essentially diverse

kind—it is evidently the doctrine of the Church that from the Apostles' times, and by the evidence of Scripture, there was *no other ministry* than that which subsisted under the several gradations of Bishops, Priests, and Deacons."

"Thus far speaks the Church, and no further. How the belief of these views should affect our opinion as to the validity of any non-Episcopal orders; whether, whilst we must consider them as irregular because wanting Apostolic precedent, we should consider them also as in all respects invalid, the Church speaks not, but leaves the question for private judgment, and alike nourishes in her bosom those who affirm and those who deny."

"When a candidate for Orders professes attachment to the doctrines, as well as discipline and worship of the Protestant Episcopal Church, he is considered as professing fully to believe in the Apostolic origin of the Episcopacy; to believe that such origin is apparent from the Scriptures as well as from ancient authors; and, consequently, whether a Church should now be Episcopal or not is a question not to be settled upon mere considerations of expediency, but of deference to the model of the primitive Church; so that none ought to be accounted a lawful minister in the Church, *nor suffered to execute any function of the ministry*, unless he has had Episcopal ordination." (Ordination Sermon, 1839.)

A request for the publication of this sermon was signed by William Meade, Assistant Bishop of Virginia, Bishop Smith, and Bishop Leonidas Polk. It "prayed the Divine blessing upon the holy truths contained therein."

"It (the Episcopal Church) is said on one point to be exclusive; and on that point it is exclusive. It allows great freedom of judgment. It shuts out no believer from its communion; but it admits no minister to its pulpits except those who have been ordained by a Bishop. This was a rule when there were none but Episcopal Churches in the world." (Bishop Burgess, of Maine: *The Stranger in the Church*, apud *Vox Ecclesiæ*, p. 486.)

I close these remarks with an earnest appeal to my brother Laymen to consider the tendency of such a prac-

tice to loosen all that is distinctive, and much that is of sacred obligation, in our Church.

But one answer is, It is done with our assent. If this means the assent of the vestry, I deny that they can bind the congregation in this matter. But if the consent of every member is given, expressly or by acquiescence, then we are participants in the breach of the law, and may not justly claim to belong to a Church whose rule we condemn. In God's name let us be faithful and consistent, or let us depart.

But it is urged that none will be admitted but pious, learned, and faithful teachers of the great truths of the Gospel. Most true it is that many around us have all those qualities; very many are advancing the cause of religion by zeal, attainments, and holy lives. But recall all the lessons which the Church teaches us as to Episcopacy. Dwell upon the words of earnest truth uttered by Bishop Hall, one of the most tolerant of divines: "And for you, my beloved brethren at home—for Christ's sake—for the Church's sake—for your souls' sake, be exhorted to hold to this holy institution of your blessed Saviour and His unerring Apostles, and bless God for Episcopacy." Then remember that a Pastor of a Presbyterian or Dutch Reformed Church stands before you a living protest against Episcopacy—bound to condemn or disparage it. There are many other points in which fidelity to the tenets of his own Church involves hostility to those of ours.

But who is to limit the extent of this claim; who is to prescribe the qualifications essential, and the doctrines which shall exclude? What possible distinction can be drawn between the admission of such Ministers as I have referred to, and the teachers of a pure morality, holiness of life, and homage to Christ as the highest of the inspired, but only that, of many Pastors of the Unitarian Church? No! in all respect, in all admiration of the merits and labors of others, let us cling to our own exclusiveness. Loyalty to our Church is all-absorbing; like loyalty to our country, it admits not of a divided heart. And where upon earth can

the Father of Spirits look down upon a Church so fitted to excite the devotion of the soul ; so filled with the divinity of his Word, and the Scriptural truth of Sacramental Offices ; or so adorned with the simple yet beautiful garments of Worship and Prayer ? Thus, as we think of her glorious descent and form, we fear no evil ; and then, as we think of the dissensions within her, we tremble. And thus, in the exquisite image of Jeremy Taylor, she, like her founder, is still composed, half of the glory of light, and half of the moisture of the cloud.

Upon two grounds, then, the admission of Ministers not Episcopally ordained, to our pulpits, or to any other ministration of the Church, is indefensible under the Canon ; and indefensible if no Canon existed, or it should be repealed.

§ 5. Province of the Laity in choice of Bishops. We next propose to notice the influence and part of the Laity in the choice of Bishops in the early Church. The following is one of the several passages of St. Cyprian upon the subject. It is comprehensive and apposite.

“Cornelius then was advanced to the Episcopal chair, by the choice and approbation of God and his Christ, by the unanimous testimony of almost all the clergy, by the concurrent suffrages of the Laity then present, and by the college of those ancient and worthy Bishops who were on the spot.” (Epistle 55, § 5.)

So in the 67th Epistle, § 3, he says :* “Wherefore the rule which has been handed down to us from God himself, and the practice of the Apostles, should be observed with all exactness, as it is indeed among us, and generally among the Provinces here, that in celebrating our Ordinations the neighbouring Bishops of a Province, when a Bishop is to be ordained for any people, should meet upon the place, and choose a Bishop in the presence of the people, who best know the lives and conversations of the several persons who may happen to be named. This rule, we find, you took along with you in the ordination of our colleague Sabinus, who

* We have compared the translations by Marshall and Hughes.

was unanimously chosen by the votes of all the people and the approbation of the Bishops who were there assembled."

Origen says: "The presence of the people is required in ordination of a Bishop, that all may know and be assured that one who is most learned, holy, and eminent in virtue is promoted to the Episcopal dignity, and this in the presence of the people lest any one should afterwards retract, or have any scruple in the matter. And this is what the Apostles commanded in the ordination of a Bishop, saying:

Moreover, he must have a good report of them that are without.' " (Hughes's Diss., vi.)

The 18th Canon of the Council of Antioch, A.D. 361, provides that, "If any one that is ordained a Bishop do not come to the Diocese for which he is ordained, not through his own fault, but either because the people refuse him, or for any other reason not occasioned by his own fault, he shall enjoy both the honour and function, provided he gives no disturbance to the Church where he abides. And he shall wait for the determination which a full Synod shall make upon his case."

The 16th of such Canons directed, that if a Bishop without a see threw himself upon a vacant Church, and usurped the throne without a full Synod, he should be cast out, although the whole people should choose him.

Mr. Hughes in his Sixth Dissertation, prefixed to St. Chrysostom's *de Sacerdotio*, concludes: "That in the Second and Third centuries, the Laity had no truly elective suffrage in the choice of a Bishop, but that plenary authority in all such elections appertained to the Bishops." Bishop Beveridge says: "It appears therefore that the right of election belongs to the Bishops; the testimony, assent, and approbation of the election, to the people. Therefore the people sometimes named a person to be chosen, to the Bishops, but the Bishops did not always choose the person proposed; and therefore the whole determination of the election was in the power of the Bishops, insomuch that we read of many ordinations and elections of Bishops performed by Bishops

without the people, but of none by the people without Bishops.”*

That able writer, Bishop Sage, appears to have discussed the subject with great discrimination. His argument to show that the word suffrage applied by Cyprian to those of the people in Ordination, does not mean voting as essential to a choice, but superadded testimony and approbation, appears conclusive.†

In the Novels of Justinian are found many regulations as to the Ordinations of Bishops and Clergy as well as for their government. (Const. ix., Tit. vii., No. 123.) I have examined them with care, and find that they are almost exclusively taken from former Canons of the Church, or were sanctioned in her Synods. The essence of the obligation to observe them was the authority of the Church, which the civil power aided to enforce, but did not constitute.

For example, the provision as to the assent of the *Primates Civitatis* in the choice of Bishops, instead of the people at large, is to be found in a Canon of Laodicea,‡ and the rules as to the marriage of one proposed as a Bishop, were laws of the Church framed on the injunction that he should be the husband of one wife. But without further details it is enough to quote Van Espen: “The Laws of Justinian, the Novels and Constitutions as to things Ecclesiastical, have been received of the Eastern and Western Churches. The Church has never repealed them when relating to external discipline, except they should be contrary to the Gospel or Canons. These laws are not thus contrary; but a diligent examination of them will show that they contain an epitome or synopsis of the Canons and ancient discipline of the Fathers.” (Appendix, Vol. VI., p. 180, ed. 1753.)

We cannot but notice the striking analogy between the practice of this primitive age and the course of our Church. The Clergy and Laity of a Diocese name one to be a Bishop. The Church at large, through the House of Cleri-

* Apud Hughes's Library, An. Cath. Theol., Vol. III., 442. † Works, Vol. III., p. 405.

‡ Bingham, vi., 2, 18.

cal and Lay Deputies, concur in a recommendation and testimony that the person has not been liable to evil report, and if the House of Bishops consent, the consecration takes place.

The rule in other ages of the Church should be noticed. Thus it was ordered by the Council of Paris (A.D., 557), that no one should be consecrated Bishop of a Diocese except by the full desire of the people and Clergy, signified by election: "Let no one be intruded into a Diocese by the command of the Prince, nor by any means whatsoever against the will of the Metropolitan or Comprovincial Bishops."

And the second Nicene Council decreed that all elections of Bishops by Princes were invalid, according to the Canon, which ordered, that if any Bishop attained an Episcopal See by means of Princes he should be deposed.

In the Report of the First Committee of Convocation of Canterbury on appointments to Bishoprics (1871), there is an interesting statement of the usurpation of Papacy in the Episcopal selections, and a passage is quoted from "The Institution of a Christian Man," written three years after the famous statute of 25 Henry VIII., cap. 20. The Dedication was to the King, and was subscribed by the two Archbishops and all the Bishops. It is as follows: "The second point wherein consisteth the jurisdiction committed to Priests and Bishops, by the authority of God's law, is to approve and admit such persons as (being nominated, presented, and elected, unto them to exercise the Office and room of preaching the Gospel, and ministering the Sacraments . . .) shall be thought meet and worthy to exercise the same; and to reject and repel from the said rooms such as they shall judge to be unmeet therefor; and unto the Priests or Bishops belongeth, by the authority of the Gospel, to approve and confirm the person which shall be by the King's highness or the other patrons so nominated, elected, and presented unto them, to have care of those certain people within such Parish or Diocese, or else to reject him."

CHAPTER VI.

THE ARTICLES.

§ 1. Prefatory Remarks. A DEFINITION and declaration of cardinal points of Faith was the natural, the almost inevitable, consequence of Christianity. The Apostles taught orally the truths and doctrines committed to them by the Saviour and Holy Spirit. But as the religion spread, and they approached their end, the necessity of something permanent increased. Hence the Scriptures were written for the preservation of dogmas, as well as for instruction in righteousness. Still, some things were unrecorded and rested in tradition and custom; some written passages were of uncertain meaning. These had received an interpretation in the Churches; so that the great Creed of Nicea was but the embodiment of what had been taught and believed by primitive Christians. Yet, as errors and heresies still arose, the rulers of the Church were irresistibly led to define and proclaim the great points of Faith, adherence to which should constitute unity, and their denial, dissent. *Ecclesia non in parietibus consistit, sed in dogmatum veritate.* (St. Jerome, Ps. 133.)*

By the Constitution of the Church the province of determining matters of Faith belonged to a National Council, as was asserted by the Fourth Council of Toledo.† There were, however, restrictions on this power. By the admission of nearly all Christendom, the decrees of the Four First General Councils govern the Church universal in matters of Faith. They may not be impaired, varied, or qualified. The Office of a National Council is to explain what may be ambiguous, and to deny and protest against what has been wrongly or falsely intruded.

* Brown, Articles, xx.

† Laud against Fisher, 24.

§2. The English Articles. We are unable, from the faint vestiges of the British Church before the arrival of Augustine, to find many distinctive points of her doctrine. At a Synod, however, held at St. Albans in the year 446, the Pelagian heresy was condemned, and in the year 529, at the Synod of Victory, a body of Decrees and Canons was adopted.

Many articles or heads of belief, guiding the English Church for about nine hundred years, are to be found in Johnson's Collection of the Laws, Constitutions, and Canons.* They are full of essential truths, tinged with many superstitions and corruptions; and it is very noticeable how such corruptions grew and deepened as we advance from the earlier periods, to the Reformation.

For example, by one of Elfric's Canons (A.D. 957) it is declared: "That Housel, which was now hallowed, to-day is altogether as holy as that which was hallowed on Easter-day. That Housel is Christ's body, *not corporally*, but *spiritually*; not the body in which he suffered, but the body in which he spake when he blessed bread and wine for Housel, one night before his passion."

So in Elfric, Pulta's Letter to his clergy† in A.D. 1000: "This Sacrifice of the Eucharist is not our Saviour's body, in which he suffered for us, nor his blood, which he shed on our account, but is made his body and blood in a spiritual manner, as the manna which fell from the sky, and the water which flowed from the rock."

Compare this with the Fourth Article of 1536: "That under the form and figure of Bread and Wine is verily and substantially contained that very same body and blood which was born of the Virgin Mary, and suffered upon the cross; and that the selfsame body and blood is distributed unto and received by all Communicants."

The earliest body of Articles, put forth as such, was in the year 1536. They were chiefly directed against the

* Oxford ed., 1830.

† Joyce's Sacred Synods, p. 193; Collier, Ecc. History, p. 485.

extravagances of the Anabaptists.* The Convocation met in June, 1536, and Cromwell, in behalf of the king, stated, that his majesty was studying to set quietness in the Church, and he could not rest till all such controversies be fully debated, and ended through the *determination of you*, and of his whole Parliament. He would suffer no common alterations, but by the consent of you and his whole Parliament."†

There is much reason to conclude that these Articles were discussed by both Convocations assembled together. They were signed by both Archbishops, though by one only of the Clergy of the Northern Province. The king appears to have aided in framing them. They are ten in number, divided into classes, those relating to Faith, and those concerning ceremonies.‡

The first of these Articles contained the following passage: "That the Articles of Faith contained in the Creeds are necessary to be believed. That all opinions contrary to the Articles, and which are condemned in the Four First Councils, are to be utterly refused."

The ambition of Henry VIII., when courted by the Lutheran Reformers with the title of "Protector of the League," led to negotiations for the formation of a union, upon the basis of the Augsburg Confession. Conferences were held, in which thirteen Articles were agreed upon. A copy was discovered by Dr. Jenkyns, and they are published in the Appendix No. 2 to Hardwick's History of the Articles. The Article De Penitentiâ is an elaborate expansion of the Article of Penance of 1536. It substantially conforms to the eleventh and twelfth Articles of the Augsburg Confession.

But in the year 1539 a reaction took place in the views of the king, and the most extreme doctrines of Rome as to the Eucharist and Confession were sanctioned. The six Articles taught Transubstantiation, Communion of the Laity

* Hardwick, History of the Articles, p. 50, ed. 1860.

† Hardwick, p. 52. ‡ Ibid., 54; Joyce, Sac. Synods, 383.

in one kind, Private Masses, and Auricular Confession. The Act of 31 Henry VIII., cap. 14, termed the "Bloody Act," inflicted the most severe punishments, even torture and death, for denying these Articles.

The Reformation received development and consistency in the reign of Edward VI. The accession of Mary interrupted its course. Under Elizabeth its progress was renewed; but, in fact, everything that has been done since the time of Edward, is little more than the restitution of what was accomplished in that memorable period, the reign "of that holy child, the companion of the Bishops and future Martyrs of the Church."

1551. In the Summer of 1551, the King and Privy Council ordered the Archbishop to frame a Book of Articles of Religion, for the preserving of peace and unity of doctrine in this Church, that they might be set forth by public authority. In a letter from Cranmer to Sir William Cecil, he says: "That he had sent the Book, set in better order than it was, to Mr. Cheke. I pray you to consider well the Articles with Mr. Cheke, and whether you think best to move the King's majesty therein, before my coming." *

Finally, they were agreed upon "by the Bishops and other learned men in the Synode of London, in the year of our Lord Godde 1552, for the avoiding of controversie in opinions, and the establishment of a Godlie concorde in certain matiers of Religion."

In May, 1553, they were published by the King's commandment.

The question, whether these Articles received full Synodal approval, has been much litigated. It has been carefully examined by two late writers,† and it appears to be satisfactorily proven that, in the language of Wake, "they were prepared by the authority of King and Council, agreed to in Convocation, and then subscribed by both Houses,

* Strype's Mem. of Cranmer, Vol. II., App.; Letter of 19th Sept., 1552.

† Hardwick's Hist., 108-114; Joyce's Sacred Synods, 482-485.

and so presently promulgated by the King's authority, according to law."*

The chief reason of the Reformers, led by Cranmer, for urging the adoption of these Articles, was the fortifying the Church against the wild fanaticism of the Anabaptists, as well as against a relapse into the errors of Rome. The letter of Hooper to Bullinger, of July, 1549, develops this: "The Anabaptists flock to this place, and give me much trouble with their opinions respecting the Incarnation of our Lord, for they deny that Christ was born of the Virgin Mary according to the flesh. They contend that a man who is reconciled to God is without sin, free from all manner of concupiscence, and that nothing of the old Adam remains in his nature. A man, they say, who is thus regenerate, cannot sin. . . . They maintain a fatal necessity, and that beyond and besides that will of his which he has revealed to us in the Scriptures, God hath another will by which he altogether acts under some kind of necessity. How dangerously our England is affected by heresies of this kind, God only knows; I am unable, indeed, from sorrow of heart, to express. Alas, not only are those heresies reviving among us, which were formerly dead and buried, but new ones are springing up every day. On the other hand, a great portion of the Kingdom so adheres to the Popish faction as altogether to set at naught God and the lawful authority of the Magistrates, so that I am greatly afraid of rebellion and civil discord."†

When Cranmer had given the Articles his final revision, he wrote to the Council: "I have sent the Book of Articles which yesterday I received from your Lordships. I have sent also a schedule enclosed, declaring briefly my mind upon the said Book, beseeching your Lordships to be the means, with the King's Majesty, that all the Bishops may have authority from him to cause all their Preachers, Archdeacons, Deans, Prebendaries, Parsons, Vicars, Curates, with all their Clergy, to subscribe to the said Articles. And

* State of the Church, p. 600.

† Hardwick, p. 97.

then I trust that such a quiet and concord in religion shall shortly follow thereof, as else is not to be had for many years. God shall thereby be glorified, his truth advanced, and your Lordships shall be rewarded of Him as the setters forth of His true Word and Gospel.” *

We may here notice the cotemporaneous documents which relate to topics set forth in the Articles. The most important of these is the Book of Common Prayer. The second book was put forth in the same year as the Articles, and must be chiefly regarded; but as the preparation of the Articles began long before, the first book is also to be examined.

The *Reformatio Legum* is also of high value. It came mainly from the same sources.† The plan originated in the time of Henry VIII., but the work was not prepared until after November, 1554. It was then digested, but unhappily the death of Edward prevented its receiving the Royal assent.‡

To some extent, also, the Catechism of Edward will be useful. It was bound up and published with the Prayer-Book, although it was asserted by a Romish Priest, in the days of Mary, that it had not received Synodal authority, and the most reliable writers seem to concede this. It was condemned by the Romanists as a pestiferous and heretical Catechism. It remains, with a few alterations, and with the addition of what relates to the Sacraments, inserted in 1604, the Catechism of our Church to this day. Its purity and truth may be inferred from the denunciations it received from Romish authorities.

This collection was printed, both in Latin and English, in 1553. It is entitled, “A Short Catechism, containing the Sum of Christian Discipline commended by Royal Authority to all Schoolmasters.” To this Catechism are adjoined the Articles agreed upon in the last Convocation of

* Strype's Cranmer, 2; App., p. 64, 24th Nov., 1552.

† Cranmer, Goodrich, Cox, Peter Martyr, etc.

‡ Joyce's Sacred Synods, p. 474; Hardwick, p. 90.

London, in the Year of our Lord, 1552, by the Bishops, etc.*

This Catechism is attributed to Poynt, Bishop of Winchester. It seems probable that the Catechism which the Convocation in the reign of Mary denounced, comprised the Articles. The Prolocutor said it was best to begin with the Article as to the Sacrament of the Altar, so as to confirm Transubstantiation.†

From a manuscript note to the copy of Dr. Lamb's work, in the Library of the Theological Seminary, it appears probable that there was an edition of this Catechism in 1552. Heylin says that it is so hard to come by, that scarcely one scholar in five hundred has ever heard of it.‡

This statute, made in the first year of Queen Mary, repealed the Acts of Edward VI., which had established the reformed Liturgy and Offices, and restored the services as they existed in the last year of Henry VIII. In October, 1553, Convocation met. The corporal presence in the Eucharist was re-affirmed; the Catechism of Edward was condemned, and the pestilent books of Cranmer, late Archbishop of Canterbury, were denounced. Although the Forty-two Articles are not specially enumerated among the Books annulled, they were plainly superseded by many Acts and Formularies, especially by the Fifteenth Article of 1555.§

1558.

In 1558, Elizabeth came to the throne. Matthew Parker was made Archbishop of Canterbury, a man fit to tread in the footsteps of Cranmer. In 1563, seeking aid to recover some concealed Books written by Cranmer, he says: "I would as much rejoice to win them as I would to restore an old church to reparation." ||

1559.

In 1559, what are termed the Eleven Articles of Religion were published, but only by authority of the Archbishops and Bishops. Subscription to them was enjoined on all incumbents, and all Parsons and Cu-

* See Lamb's Historical Account, etc., p. 2; Liturgies of Edward VI.; Procter, Bk. Com. Pr., 392.

† Lamb, p. 7.

‡ Hardwick, p. 86.

§ Strype's Mem., 111, No. 90.

|| Fuller's Church History, ix., p. 55.

rates were directed to teach them for uniformity of doctrine. There is no doubt that they guided the Clergy generally from 1559 to 1563. They are summarily stated by Joyce (p. 55), and in full by Hardwick (p. 313).

^{1562.} The Convocations of Canterbury and York were summoned, in November, 1562, to meet in January, 1563, or in the then style, 1562. The Archbishop of Canterbury, Parker, with Grindal, Horn, and Cox, revised the Articles of 1552. It has been remarked how generally the alterations then made are traceable to Lutheran standards, particularly the confessions of Wirttemberg presented to the Council of Trent.* After long discussions, the revised Articles were subscribed, on the 29th of January, by all the assembled Prelates. In the course of February, the assent of the Lower House was given. In the ensuing year, having received the Queen's approval, they were printed by the Royal Printer.

This revision of 1562 was principally conducted by Parker. He was installed in Canterbury in December, 1559, and betook himself speedily to this work. He had a fair copy of the Articles of 1552 prepared, but made many alterations in them, and the manuscript which he submitted to Convocation differed from the former, by the addition of four entirely new, by the omission of four, and by changes in seventeen others. Twenty of the original forty-two were literally copied. Strype was, therefore, wrong in stating that this manuscript of Parker was a fair draft of Edward's Articles.† The number exhibited by the Primate was forty-two, as before observed; but three were left out at the date of the subscription (the 29th January, 1553), viz.: the 36th, 40th, and 42d. Thus the number was reduced to Thirty-nine; but they were not termed the Thirty-nine Articles until later.‡

Proposed Act
of 1566.

In the year 1566 (8th Elizabeth) a bill passed the House of Commons ratifying the Articles as

* Hardwick, p. 124.

| Lamb's Hist., etc., p. 15. Cambridge, 1829.

‡ Ibid.

adopted by the Convocation of 1562, and making subscription to them a condition of holding a benefice. The Act was sent to the House of Lords, and its passage pressed by the Bishops. There is no doubt it would have passed the Lords, but the Queen peremptorily interfered, and defeated it.*

Mr. Froude, in that dishonest, insolent spirit with which he treats the Church of England, after stating these proceedings, says: "The Thirty-nine Articles, strained and cracked by three centuries of evasive ingenuity, scarcely embarrass now the feeblest consciences. In the first years of Elizabeth, they were the symbols by which the orthodox Protestant was distinguished from the concealed Catholic. The Liturgy, with purposed ambiguity, could be used by those who were Papists, save in the name. The Articles affirmed the falsehood of doctrines, declared by the Church to be divine."†

Now considering that it was the Liturgy in the Second Book of Edward which was restored in the first year of Elizabeth, with a few alterations, and those hostile to Romish views; that this Book was regarded as influenced by foreign Reformers in its changes; that the statute of Mary repealed and annulled it, "as altering the religion which was found in the Church of England left by authority of the Catholic Church;" that some of the old clergy sacrificed their benefices rather than conform, and that the Book was palpably adverse to Romish doctrines—this statement of Mr. Froude transcends the ordinary limits of reckless partisan assertion. It is alike flippant and false.

1571. In 1570-1, the Articles of 1562 were again considered. Some immaterial alterations were made; and at length, upon the movement of the House of Commons, they were ratified by the Act of Parliament of the 13th Elizabeth, cap. 12, 1571.

Much discussion has taken place as to the authenticity and integrity of various copies of the Articles of 1562, 1571.

* Joyce, p. 558 *et seq.*

† Froude's History, viii., p. 328.

The following is the summary of Dr. Waterland: "As to the Articles, English and Latin, I may observe: *First*, that the Articles were passed, recorded, and ratified in the year 1562, and in Latin only. *Second*, that these Articles were revised and corrected by the Convocation of 1571. *Thirdly*, that an authentic English translation was then made of the Latin Articles, by the same Convocation, and the Latin and English adjusted as nearly as possible. *Fourthly*, that the Articles thus perfected in both languages, were published the same year, and by lawful authority. *Fifthly*, that subscription was required the same year (1571) to the English Articles, called the Articles of 1562, by the famous statute of the 13th of Elizabeth. This much, however, I may certainly infer, that if in any places the English version be ambiguous, when the Latin is clear and determinate, the Latin ought to fix the doubtful sense of the other, as also *vice versa*; it being evident that Convocation, Queen, and Parliament intended the same sense in both." (Works, Vol. II., p. 316.)

We need but glance at a controversy which was extensively carried on in England as to the clause in the 20th Article respecting the authority of the Church in matters of faith. The evidence is summed up by Hardwick, and by the Bishop of Ely.* I have looked over also the able tract of Collins ("Historical and Critical Essay. 1724") denying the authenticity of the clause.

The clause is found in the Latin edition by Wolfe, authorized by the Queen in 1563. It is not found in the Latin Manuscript signed by Archbishop Parker and a large majority of Bishops, in January, 1562-3. It was not in the Articles of 1552. The true conclusion seems to be this: the clause had not the assent of Convocation before 1571. It most probably received such assent in that year. From that time—certainly from 1581—it is found in all editions; and every Clergyman, subscribing the Articles, admitted it. It is recognized by the subscription to the copy by Convocation in 1604.

* Hardwick, Hist., p. 138; Brown, p. 478.

Our Church is not embarrassed by this historical question. She has adopted the Article with the clause. Whether it originally came from Convocation, or was interpolated by Queen and Council, or had or had not Parliamentary sanction, it is in our Church an absolute rule.

This statute of Elizabeth prohibited any one from being admitted to a Benefice or Cure, unless he shall have subscribed *the said Articles*, in presence of the Ordinary. Coupling this with the first clause of the statute, as to Ministers ordained in some other Form than that of Edward, and the use of the word "only," in that clause, a question was warmly agitated, Whether the subscription did not extend merely to the Articles strictly concerning faith and doctrine, and the Sacraments.

The first section of the statute of Elizabeth related to persons ordained otherwise than by the English Form of Edward, who should come in and subscribe the Articles, "which only related to Confession of the true Faith and the Sacraments." It was contended by Dissenters that such only need be subscribed, and Bishop Gibson enumerates them as the 1st, 2d, 3d, 4th, 5th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 22d, corresponding with our own 1st, 2d, 3d, 4th, 5th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, and 22d. Why the 6th and the 8th are omitted, is not clear. The section was certainly applicable to those ordained during Mary's reign, and a more comprehensive sense was claimed for it. (See ante, chapter v., tit. Orders.)

Whatever may be the true construction of the statute, the difficulty was removed by the Canons of 1603, and by the Act of Uniformity of 13th and 14th Charles II. The Canons bound the Clergy.

By the 36th Canon, no person shall be admitted into the Ministry unless he subscribe willingly and *ex animo* to three points; one of which is, "that he alloweth the Book of Articles of Religion, agreed upon by Archbishops and Bishops of both Provinces, and the whole Clergy in the Convocation held at London in the year of our Lord 1562; and that he acknowledgeth all and every the Articles

therein contained, being in number Thirty-nine, besides the ratification, to be agreeable to the Word of God.”

By the second section of the Act 13th Elizabeth, any person Ecclesiastical, or holding an Ecclesiastical living, who shall advisedly hold or maintain any doctrine directly contrary to any of the said Articles, and being convened before the Bishop, etc., shall persist therein, shall be deprived of his promotions.

Both from the language of the Act, and the decisions of the Judicial Committee of the Privy Council, it is clear that this provision comprised each and every of the Articles.

It appears from the Minutes of Convocation, cited by Bennet,* that it was resolved May 4th, that when the Book of Articles touching doctrine shall be fully agreed upon, that then the same shall be put in print by the appointment of my Lord of Sarum. (Jewell). Every Bishop to have a competent number, to be published in their Synods throughout their Dioceses, and to be read in their Parish Churches four times a year. (Lamb, p. 27.)

Mr. Hardwick (Appendix No. 3) prints the Articles of 1562 and those of 1571, in opposite columns. He observes that the original purport is altogether unaffected; the changes are amendatory in titles, or corrections in the English from older Latin copies, or explanations of a few words. (Ibid., 148.)

There was a Canon adopted in 1571, directing subscription to the Articles, and that the Clergy in their sermons teach their wholesome doctrine.

This closes the history of the Articles as now in force in the Church of England.

The Thirty-nine Articles, having the clear authority of the Church in Convocation, and of Parliament in the Act of 13th of Elizabeth, were of full force in the Colonial Church, and remained in force, except the few concerning political relations, down to the action of the General Convention. In 1790, the Convention of New York declared as follows :

§ 3. In the American Church.

* On the Articles, p. 262.

“Whereas, many respectable members of our Church are alarmed at the Articles of our Religion not being inserted in our new Book of Common Prayer:

“*Resolved*, That the Articles of the Church of England, as they now stand, except such parts as affect the political government of the country, be held in full force and virtue until a further provision is made by the General Convention, agreeably to the 8th Article of the Constitution.”

The Convention of 1785 suggested as parts of the proposed Book twenty Articles of Religion. The 13th, 14th, 21st, 24th, 26th, 29th, 30th, 32d, 33d, 34th (except the last clause), and 35th of the present Articles were omitted.

We have before stated the limited adoption by the Convention of the Church of the proposed Book, its rejection in New Jersey, the permission to use it, or the old form (with the mere political changes), in New York, and that Delaware did not act upon it. The Church in New England ignored it, and it was adopted in Virginia and Maryland with some amendments. In Virginia the Articles were amended in many instances, and two of them were rejected; and the Book, so altered, passed by a vote of 32 to 20.

By the 8th Article of the Constitution of 1789, a Book of Common Prayer, Administration of the Sacraments and other Rites and Ceremonies of the Church, Articles of Religion, and a form and manner of making, ordaining, and consecrating Bishops, Priests, and Deacons, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church in those States which shall have adopted this Constitution.

On the 16th of October, 1789, the House of Bishops originated and sent to the other House, a proposed ratification of the Thirty-nine Articles, with an explanation of the 36th and 37th. The Lower House proposed a postponement to a future Session, which was agreed to. The 16th was the last day of the Session.

In 1792 it was resolved, That, as the Churches in some of the States were not represented in the Convention, and

others only partially, the consideration of the Articles be postponed to the next Convention. In 1795, but seven States were represented, and both Houses adopted the resolution, That it be earnestly recommended to the Churches in the several States not to fail to send Deputies to the next General Convention, as it appears inexpedient that the consideration of the Articles of Religion should be postponed beyond the period of that meeting.

On the 14th of June, 1799, the House of Clerical and Lay Deputies resolved itself into a Committee of the Whole, to take into consideration the propriety of framing Articles of Religion. The Committee reported as follows :

“Resolved, That the Articles of our Faith and Religion, as founded on the Holy Scriptures of the Old and New Testament, are sufficiently declared in our Creeds and Liturgy, as set forth in the Book of Common Prayer established for the use of this Church ; and that further Articles do not appear necessary.”

This resolution was disagreed to by the House, and probably by the majority which passed the resolution of the next day. On that day, the 15th of June, it was resolved to proceed to the consideration of the Articles, and a Committee was appointed. The Delegates of the Clergy from Connecticut, New York, New Jersey, Rhode Island, and Delaware voted in the affirmative, and Massachusetts, Pennsylvania, and Virginia, in the negative. Of the Laity, Connecticut, New Jersey, and Pennsylvania were for the resolution, and Virginia against it. There was no Lay representation present from the other States.

On the 18th of June, 1799, the Committee on the Articles reported seventeen. They are to be found in the Journal of 1799. The consideration of them, on account of the advanced period of the Session and thinness of the Convention, was postponed to the next General Convention.

On the 9th of September, 1801, the House of Bishops agreed on a form and manner of setting forth the Articles of Religion, and sent the same to the other House for concurrence. On the 10th, that House referred the communi-

cations to a Committee. On the 11th, the Committee made a report which was unanimously adopted, and sent to the House of Bishops. That House returned it with amendments, which were adopted.

This Form and Manner is as follows :

“Resolution of the Bishops, the Clergy, and Laity of the Protestant Episcopal Church in the United States of America, in Convention in the City of Trenton, the 12th day of September, 1801, respecting Articles of Religion.

“The Articles of Religion are hereby ordered to be set forth with the following directions, to be observed in all future editions of the same. The following to be the title, viz. : Articles of Religion established by the Bishops, the Clergy, and Laity of the Protestant Episcopal Church in the United States of America, in Convention, on the 12th day of September, in the year of our Lord 1801.

“The Articles to stand as in the Book of Common Prayer of the Church of England, with the following alterations and omissions :

“In the 8th Article, the word ‘three,’ ” etc., etc.

Completing this historical notice, we find that, in 1804, a Canon was proposed concerning subscription to the Articles of the Church, and it is stated in the Journal that it was negatived, under an impression that a sufficient subscription to the Articles is already required by the Seventh Article of the Constitution. The Journal is attested by Dr. Beach as President, and John Henry Hobart, Secretary. It is impossible that they could have substituted their surmise of a reason, for the expression of an opinion in the Convention, and acquiesced in by that body.

And in 1811, the second clause of the 8th Article was added : “No alteration or addition shall be made in the Book of Common Prayer, or other Offices of the Church, or the Articles of Religion, unless the same shall be proposed in our General Convention,” etc.

We believe that until very lately there has been no question in the Church as to these Articles having been duly and constitutionally

Their binding
force in our
Church.

established as Formularies of our doctrines; and were covered by the subscription required for admission to Orders by Article VII., that solemn engagement to conform to the doctrines and worship of the Protestant Episcopal Church in the United States.

An argument in support of the theory that the Articles are not binding, I understand to be this :

The Constitution of 1789 was unalterable, except in the manner prescribed by the 9th Article. The subscription required by the 7th Article was to the doctrines and worship then established. Nothing was then established as to doctrine or worship, except the Book of Common Prayer, Administration of the Sacraments, and other Offices. The Articles, Manner of Ordaining, etc., were subsequently introduced. Subscription, even now, can only extend to what had been declared as to doctrine or worship in 1789.

The fallacy of this view lies here. It omits the important portion of the 8th Article of 1789. That expressly contemplates and includes some Formularies, to be adopted in some future Convention or Conventions.

The Office of Ordaining, etc., was not established until 1792; the Articles, in 1801. The power was as unquestionable under the 8th Article, to establish both as to establish any provision of 1789; and what was so established became exactly as obligatory, by virtue of the Constitution itself, as if adopted in 1789. No alteration under the 9th Article was needed. There was an original authoritative provision for the very case of such future legislation.

It may be conceded that one ordained and subscribing before the Articles of 1801, was bound only by the doctrines and worship set forth in the Prayer-Book and Offices then established. But one subsequently ordained and subscribing, was bound by every Formulary of doctrine or worship which the Church had before established. It is not possible to escape from this conclusion.

This is all we need now to contend for, although it may, with much cogency, be urged, that any one subscribing, binds himself to recognize and teach whatsoever the desig-

nated authority should prescribe thereafter, as well as what it had prescribed theretofore.

But the question as now presented is this : Has the General Convention duly established the Articles as a Formulary of Doctrine ?

And two points arise for the solution of this question : *First*, has language been used sufficient for this purpose, under the Constitution. *Next*, is there evidence to show, either that they meant to use language adequate for this purpose, or that it was their intention to use language of a different or of an ambiguous meaning ?

The operative language used is : " The Articles of Religion are hereby ordained *to be set forth*, with the following directions, etc., and the title to be, ' Articles of Religion as established by the Bishops, the Clergy,' " etc.

The first clause, we submit, would be an authoritative ratification under the Constitution without anything else. The phrase *set forth* has often, in Ecclesiastical and Statutory language, the meaning, of promulgation of a law by the power which enacts it—the enactment as well as publication.

Thus, the First Book of Homilies was entitled, " Certain Sermons and Homilies appointed by the King's Majesty, to be declared and read by all Persons," etc. The Preface of 1547 recited, that the King had caused a Book of Homilies to be made and *set forth*. The Preface of 1562 recited the printing anew of a Book of Homilies, which heretofore was *set forth* by her most loving brother, Edward VI.

The statute 5 and 6 Edward VI. (1552) recites, " Whereas there hath been a very godly order *set forth* by the authority of Parliament for Common Prayer," etc., referring to the Book of 1549.

The 35th Article of 1571, after speaking of the Second Book of Homilies, adds, " As doth the former Book of Homilies, which was *set forth* in the time of Edward VI."

" Furthermore, I do grant and confess that the Book of Common Prayer, etc., *set forth* by the authority of Parliament, is agreeable to the Scriptures." (Art. VII., 1571 ; Hardwick, 168, 214.)

The 36th Article of our own Church is : “ The Book of Consecration of Bishops, etc., as *set forth* by the General Convention of this Church in 1792, doth contain,” etc. The title of the Office of Consecration was : “ The Form and Manner of Making, etc., as *established* by the Bishops, Clergy,” etc. Clearly the phrase *set forth* is used here as synonymous with *established*.

And our Office of Institution has this prefix : “ An Office, etc., prescribed by the Protestant Episcopal Church . . . established by the General Convention, etc., in 1804 ; and set forth with alterations in General Convention, 1808.” Unless *set forth* is equivalent to *established*, the alterations are not lawful.

Again, the Resolution directs that the title be : “ Articles of Religion as established by the Bishops and Clergy and Laity . . . in Convention on the 12th of September, 1801.” There is here an explicit assertion that the Articles had been established in Convention ; a formal declaration that the act done was the establishing them. It is the decisive testimony of the body empowered to establish, that it had done the act, and intended to do it.

And what could have been the intention and object of the General Convention in what they did? We have seen that in October, 1789, the Bishops proposed the ratification of the English Thirty-nine Articles with alterations of the 36th and 37th. Postponements, for reasons of mere expediency, took place until 1801. We find in 1799 the House of Deputies negating a resolution that further Articles of Faith were unnecessary, because the Creeds and the Liturgy sufficiently declared them ; plainly affirming that Articles were deemed important, or necessary. It is incredible that the Bishops, Clergy, and Laity should have gone through the idle, if not sacrilegious, course, of publishing, as Articles of Religion, what they never meant to be obligatory, and which would not be included in the subscription of conformity to the doctrine and worship of the Church.

It will be useful to trace what portions of the Articles now in force in our Church are precisely or substantially the same as those of 1552.

§ 4. Comparison of the Articles of 1552 with those of 1801.

The Articles "which were to stand as in the Book of Common Prayer of the Church of England," with the specified changes, were the Articles of 1571.

The First, Fourth, Ninth,* Thirteenth, Fourteenth, Fifteenth, the Sixteenth with a variance of title,† Seventeenth, Eighteenth, Nineteenth, the Twenty-second (except that the words in that of 1552 are "the doctrine of School Authors" instead of "the Romish doctrine"), the Twenty-third, Twenty-sixth, Thirty-first, Thirty-third, Thirty-eighth, and Thirty-ninth, are the same with those of 1552 upon the corresponding subjects, with some unimportant variations.

The comparison has been made particularly between the Latin Articles of 1552 and our own.

The first paragraph of the Sixth Article to the specification of the Canonical Books is the same in both. The Seventh Article corresponds to the word "promises," but the Nineteenth of 1552 contains in substance the subsequent portions as to the law given by Moses. Our Eighth omits the Creed of Athanasius, but is otherwise the same.

The following are the additions, omissions, or changes in our Articles compared with those of 1552, besides those above noticed, especially in the Sixth, Seventh, and Eighth Articles.

Article II. (1571, 1801.) "The Son, which is the Word of the Father, begotten from everlasting of the Father, the very and Eternal God, of one substance with the Father, took man's nature," etc.

(1552.) "The Son, which is the Word of the Father, took man's nature," etc.

The residue is identical.

Article III. (1571, 1801.) "As Christ died for us, and was buried, so also it is to be believed that he went down into Hell."

(1552.) "As Christ died, and was buried for us, so also it

* In the original Latin text, the word is *renatis*, translated, in 1552, *baptized*. Elsewhere it is regenerated.

† "Of Sin against the Holy Ghost."

is to be believed that he went down into Hell. *For the body lay in the sepulchre until the resurrection ; but his Ghost, departing from him, was with the ghosts that were in prison, or in Hell, and did preach to the same as the place of St. Peter doth testify."*

Article V. "Of the Holy Ghost."

There was no Article under this title in 1552.

Article X. "Of Free-Will," in 1552 was Article IX., and as follows : "We have no power to do good works pleasant and acceptable to God, without the grace of God by Christ, preventing us that we may have a good-will and working in us when we have that will." The first clause in the present Article was added in 1552.

Article X. of 1552 was as follows : "Of Grace." "The grace of Christ, or the Holy Ghost by him given, doth take away the stony heart, and giveth an heart of flesh. And although those who have no will to good things, he maketh to will, and those who would evil things he maketh not to will the same, *yet nevertheless he enforceth not the will.** And therefore no man when he sinneth can excuse himself as not to be blamed or condemned, by alledging that he sinned unwillingly or by compulsion."

This appears to be a very important Article upon a profound subject.

Article XI. of 1552. "Justification." "Justification by only faith in Jesus Christ, in that sense as it is declared in the Homily of Justification, is a most certain and wholesome doctrine for Christian men."

Article XI. of 1562 and 1801. "Of the Justification of Man."

The first part of the present Article was added in 1562, and the change of language as to the Homily was then made. The Homily of Salvation is considered to be the one referred to. In 1552 it was made the sole exposition of the meaning of Justification.

Article XII., of 1552, "Of Works before Justification," corresponds fully with our present Thirteenth Article.

* *Voluntati nihilominus violentiam nullam infert.*

Article XII. of 1562, 1801. "Of Good Works." No Article like this was adopted in 1552.

Article XX. of the Authority of the Church, 1801.

This was the 21st Article of 1552. The clause, "The Church hath power to decree Rites and Ceremonies and authority in controversies of Faith," was not in it. It began with the words, "It is not lawful for the Church," etc.

The XXIIId of 1552, "Of the Authority of General Councils," was omitted in the revision of 1801. It is the XXIst Article of 1571.

The XXIVth Article, "Of Speaking in the Congregation," though couched in more positive language than the XXVth of 1552, does not differ in substance or effect.

(1552.) Article XXVI. "*Of the Sacramentes.*"

1. "Our Lord Jesus Christe hathe knitte together a companie of newe people with Sacramentes, most fewe in number, most easie to be kepte, most excellent in significatione, as is Baptisme and the Lorde's Supper."

2. "The Sacramentes were not ordeined of Christe to be gazed upon, or to be carried about, but that we should rightlie use them."

3. "And in suche onely as worthelie receive the same, they have an wholesome effecte and operacione, and yet not that of the worke wrought * as some men speak ; which worde, as it is strange and unknowen to Holie Scripture, so it engendereth no godlie, but a verie superstitious sense."

4. "But thei that receive the Sacramentes unworthelie, purchase to themselves damnatione, as Saint Paul saieth."

5. "Sacramentes ordeined by the worde of God be not one by badges and tokens of Christien Mennes professions, but rather thei bee certaine sure witnesses, and effectual signs of grace and Goddes good will toward us, by the whiche he dothe worke invisibly in us, and dothe not only quicken, but also strengthen and confirme our faith in him."

(1801.) Article XXV. The paragraph above inserted (5) is found in the first clause of our Article. Our second

* *Non ex opere operatum.*

paragraph was not inserted until 1562. It may be thought to be in substance contained in clause (1) above. The last paragraph of 1801 is found in the clauses of 1552, marked 2, 3, and 4. The phrase, "not of the work wrought," was in Latin, "*non ex opere operato*," "not by force of any outward worth of the same, but only by the virtue of the Holy Ghost." (Hooper.)

The XXXth Article, "Of Both Kinds," is not found in 1552. The XXXIst, "Of the One Oblation;" the XXXIId, "Of the Marriage of Priests;" the XXXIIIId, "Of Excommunicated Persons," of 1562 and 1801, do not differ from corresponding Articles of 1552.

Article XXXIV., "Of the Traditions of the Church," is precisely the same as Article XXXIII. of 1552, except the last paragraph as to the authority of National Churches, added in 1562.

(1552.) Article XXXIV. "*Homilies*."

"The Homilies lately given and set out by the King's authority, be godly and wholesome, containing doctrine to be received of all men; and therefore to be read to the people diligently, distinctly, and plainly."

(1801.) Our Article adds: "This Article is received in this Church so far as it declares the Book of Homilies to be godly," etc.

(1552.) "Of the Book of Prayers and Ceremonies of the Church of England."

"The Book which of very late time was given to the Church of England, by the King's authority and the Parliament's, containing the manner and form of praying, and the ministering of the Sacraments in the Church of England, *likewise also the Book of ordering Ministers of the Church*, set forth by the aforesaid authority, are godly, and in no wise repugnant to the wholesome doctrine of the Gospel, but agreeable thereunto, furthering and beautifying the same not a little; and therefore, of all faithful members of the Church of England, and chiefly of the Ministers of the Word, they ought to be received and allowed with all readiness of mind and thanksgiving, and to be commended to the people of God."

(1562, 1571.) "The Book of Consecration of Archbishops and Bishops, and ordering of Priests and Deacons, lately set forth in the time of Edward VI., and confirmed at the same time by authority of Parliament, doth contain all things necessary to such consecration or ordering; neither hath it anything that of itself is superstitious or ungodly; and therefore, whosoever are consecrated or ordered according to the Rites of that Book, since the second year of the aforementioned King, or shall be hereafter consecrated or ordered according to the same Rites, we decree all such to be rightly, orderly, and lawfully, consecrated and ordered."

(1801.) Article ~~XVI~~³⁶, "Of Consecration of Bishops and Ministers."

"The Book of Consecration of Bishops and Ordering of Priests and Deacons, as set forth by the General Convention of this Church in 1792, doth contain all things necessary for such consecration and ordering; neither hath it anything that of itself is superstitious or ungodly; and therefore, whosoever are consecrated or ordered according to the said form, we decree all such to be rightly, orderly, and lawfully consecrated and ordered."

Very slight alterations were made in the Ordinal in the time of Elizabeth. Still, when the Article of 1571 refers to it as set forth in the second year of Edward (1549), we must understand it to mean as altered in 1552, or in the reign of Elizabeth.

In the time of Charles II., other changes were made in the Ordinal, but the reference in the Article to the second year of Edward, is retained.*

The 36th Article of 1552, the 37th of 1571, and our own 37th, "Of the power of Civil Magistrates," require little notice. In 1571 the clause as to supremacy declared in 1552 was much qualified. In our own Article, the great distinction is made, that the power of the Magistrate extends

* See Brown on the Articles, Art. 36; Bully's Variations, and Procter's Book of Common Prayer, 28, 434.

to all men, as well Clergy as Laity, in things temporal, but hath no authority in things purely spiritual.

The 37th of 1552 corresponds exactly with the 38th of 1571 and 1801, "Of Christian men's goods." The 38th of 1552 is also the same as the 39th, "Of a Christian man's oath."

There were four Articles in 1552 which have been subsequently omitted. One was, "The resurrection of the dead is not yet brought to pass;" to meet a notion that resurrection belonged only to the soul raised from the death of sin.

Another was headed: "The souls of them that depart this life do neither die with the bodies, nor sleep idly." Another was of heretics, called "Millenarii." And the last: "All men shall not be saved at length." It condemns the "dangerous opinion that all men, be they never so ungodly, shall at length be saved, when they have suffered pains for their sins, a certain time, appointed by God's justice."

This review and comparison warrant the conclusion that, in almost every important point in the Articles relating to doctrine, those of 1552 now guide the faith of the Church, couched in nearly identical language with those now in force. And this identity teaches us that the surest sources of a true exposition of the Articles are, the cotemporaneous Formularies, writings, and judgments of the minds that prepared or adopted them. We are taught, also, that what has ruled so largely the tenets of the Church of England for over three hundred years, and of her daughter Churches over the earth, which has stood such vehement assaults, cavil, and condemnation, and remains unaltered, demands reverence for its stability and profound caution in judging it. And this may be confidently said, that in linking ourselves to the grand age of Edward VI. and his band of sufferers and martyrs, we are the most likely to unite ourselves with truth.

§5. General Character and Object.

"The Articles are not the work of a dark age, as has been represented. They are the produc-

tion of men eminent for their erudition and attachment to the purity of true religion. They were framed by the chief luminaries of the Reformed Church with great care, in Convocation, as containing fundamental truths deducible in their judgments from Scripture; and the Legislature has adopted and established them as the doctrines of our Church down to the present time." (Sir Wm. Scott, *Stone's case*, 1 Hagg. Consist. Rep., 424.)

"The Book of Articles is not, nor is pretended to be, a complete body of divinity, or a comprehension and explication of all Christian doctrines necessary to be taught; but is an enumeration of some truths which, upon and since the Reformation, have been denied by some persons, who, upon their denial, are thought unfit to have any care of souls in this Church or realm, because they might, by their opinions, either infect their flock with error, or disturb the Church with schism, or the realm with sedition." (Bishop Pearson's *Minor Works*, Vol. II., p. 169.)

"As all Confessions of Faith have had a reference to existing heresies, we shall here find not only positive doctrines of the Gospel asserted, but also the principal errors and corruptions of the Church of Rome, and most of the extravagances into which certain Protestant sects fell at the time of the Reformation, rejected and condemned." (Bishop Tomline.)

"Were the Church first set up at the Reformation, then indeed it might be right so to exalt the Articles as to forbid to teach whatsoever is not read therein, nor may be proved thereby. I receive the Church as a messenger of Christ, rich in treasures old and new—rich in the accumulated wealth of ages. . . . Our Articles are a portion of that accumulation. Age after age, fresh battles have been fought with heresy—fresh monuments of truth set up. As I will not consent to be deprived of the record of the Reformation, so neither will I part with those of former times. I look upon our Articles as, in one sense, an addition to the Creeds, and at the same time the Romanists added their Tridentine Articles. Theirs I consider as unchristian—ours, as true."

“Our Articles are not a body of divinity, but in a great measure only protests against certain errors of certain periods of the Church. A statesman of the last century is said to have remarked, ‘that we have Calvinistic Articles and a Popish Liturgy.’ This I consider as an idle calumny. But is there not a distinction of doctrine and manner between the Articles and the Liturgy? And does not what I have first stated account for it, viz., that the Liturgy, as coming down from the Apostles, is the depository of their complete teaching, while the Articles are polemical, and except where they embody the Creeds, are only protests against certain definite errors?” (Oxford Tracts, No. 38.)

This is the language of Dr. Pusey. At least, we understand this number of the Tracts is attributed to him. Has any one ever compressed into so small a compass such a full, accurate, thorough view of the scope and tenets of the Articles? It seems the most truthful and pregnant passage to be found upon the subject, and a text upon which every student of the Articles should dwell.

It is not easy to comprehend how the views thus presented are consistent with the theory of Tract No. 90, which it seems Dr. Pusey approved; or with his proposition, that the Articles can be rendered consistent, as to the Sacraments, with the dogmas of the Council of Trent. The theory of Tract No. 90 was condemned in a Pastoral of the Bishop of Exeter, and is hereafter more fully noticed.

“The Articles,” says the Rev. Dr. F. Jarvis,* “have been called only Articles of peace, but they are much more. Drawn up with wonderful precision, exhibiting a consummate knowledge of Catholic antiquity, and a most acute and practical skill in scholastic theology, we know not whether most to admire their learning, acumen, or moderation. They neutralize and render harmless every extravagance of opinion. In the United Church of England and Ireland, and in the Scotch Episcopal Communion, no man can be admitted to Orders

* “No Union with Rome,” p. 12.

who does not, with all the solemnities of an oath, profess to receive them heartily and sincerely."

"In the United States the adoption of them was delayed until the year 1801,—not on account of any repugnance to the doctrine they contained, for almost all the then existing Bishops and Clergy had subscribed them, but on account of the extreme caution to be used in their revision. But after they were established, and constituted a component part of the doctrine of the Church by Article Eight of the Constitution, they became also, by Article Seven, a component part of those doctrines to which every candidate for Holy Orders solemnly engages to conform. In Great Britain and Ireland, the candidate is required to sign two declarations, one of conformity to the Book of Common Prayer, the other of assent to the Articles. In the United States, he is required to sign one declaration, embracing the whole. Whether he subscribes one or two makes no difference before the tribunal of conscience."*

"The Articles are for the Clergy; conceived in language of a technical theological character, well known at the time they were framed to have reference to the words of other Confessions of Faith of other Reformed Communions, especially of the Confession of Augsburg, to which, in their general tone of doctrine, and often in words, they bear a very close resemblance. Now, it is to these Confessions of Faith that attention ought to have been given, in order to interpret what may be doubtful in the language of our Articles. The Twenty-fifth, that of Sacraments, is, in some of its main terms, identical with that of Augsburg, but with a most remarkable insertion proving irresistibly the high and Catholic tone which our own Church assumed and declared on this main particular of Christian Faith." (Bishop of Exeter's Letter to the Archbishop of Canterbury, March, 1850.)

The clause mentioned as inserted is this, "By the which he does work invisibly in us."

* "No Union with Rome," p. 12.

The main object of the Articles is thus referred to in the *Reformatio Legum*: "A great mass of other heresies may be heaped up; but at present we design only to name those which chiefly are diffused through the Church, in these our days."

In the year 1848 a Bill was introduced into Parliament, called "The Clergy Offences Bill." A meeting of the Bishops was held in London to consider it, when a proposition was made to add to the clause which directed proceedings on account of heresy, false doctrine, blasphemy, or schism, the following proviso: "Provided, always, that nothing shall be adjudged, in any Court of this land, to be heresy, or false or unsound doctrine, on any point treated of in the Articles of Religion, agreed upon in the Convention holden at London in the year 1562, commonly called the Thirty-nine Articles, that is not opposed to the doctrine of the Church of England, as there declared." The proviso was not adopted by the Bishops, but it was announced that it would be moved in Parliament.

This produced one of the Bishop of Exeter's decided and masterly papers. It is a letter to the Archdeacon of Exeter, for himself and the other Archdeacons of the Diocese, to be communicated to the Clergy at large.*

"The effect of this proviso would seem to be, to make the Articles the sole standard of doctrine; so that propositions directly contrary to the plain teachings of the Church in the Catechism, and her direct, positive declarations of Christian truth in her Liturgy, might be set forth with impunity, if they (such propositions) be not plainly contradicted in any of the Articles. Now believing, as I do, that the Articles, rightly understood, are in no instance contrary to the teaching of the Catechism or the Book of Common Prayer, I am yet painfully convinced, as was indeed experienced a few years ago in the case of a Presbyterian, who has since apostatized to the Roman Schism,† that subtle expositions may be

* *English Churchman*, April, 1848.

† Dr. Newman.

devised, which would make the words of the Article susceptible of interpretations at variance with the Catholic truth as taught in the Catechism, and as set forth in the Prayer-Book and Formularies which embody the deliberate judgment of the Church; applying its own doctrine in the most forcible terms to the most solemn occasions of Christian life."

The dangerous attempt was happily defeated. The Articles were not raised by Parliament into a dominancy over the other expositions of the truth. They have been kept in that proper sphere, to which the wisdom of the framers and the steadfastness of the Church had allotted and restrained them.

The following striking passage is taken from No. 38 of the Oxford Tracts: "In stating her errors" (of the Romish Church), "I will follow the order observed by Bishop Hall, whose Protestantism is unquestionable.

§ 6. Their opposition to Romish dogmas—Decrees of the Council of Trent.

"I consider that it is unscriptural to say, with the Church of Rome, that we are justified by inherent righteousness.

"That it is unscriptural to hold, that the good works of a man justified, do truly merit eternal life.

"That the doctrine of Transubstantiation as not being revealed, but a theory of man's devising, is profane and impious.

"That the denial of the cup to the laity is a bold and unwarranted encroachment on their privileges as Christ's people.

"That the sacrifice of Masses, as it has been practised in the Romish Church, is without foundation in Scripture or antiquity; and therefore blasphemous and dangerous.

"That the honor paid to Images is very full of peril in the case of the uneducated, that is, of the great part of Christians.

"That the received doctrine of Purgatory is at variance with the Scripture, cruel to the better sort of Christians, and administering deceitful comfort to the irreligious.

“That indulgences, as in use, are a gross, monstrous invention of later times.

“That the practice of celebrating divine service in an unknown tongue is a great corruption.

“That forced confession is an unauthorized and dangerous practice.

“That the Invocation of Saints is dangerous, as tending to give, and often actually giving, to creatures, the honor and reverence due to the Creator alone.

“That there are not Seven Sacraments.

“That the Romish doctrine of Tradition is unscriptural.

“That the claim of the Pope to be universal Bishop is against Scripture and antiquity.”

It is manifest that all these points are opposed to, or contradicted by, the Articles, sometimes in the affirmation of a doctrine directly contrary; sometimes by the specification of the tenet (and occasionally as Romish), and explicitly denying it.

In the Bishop of Exeter's memorable Letter to Charles Butler, containing his severe condemnation of Tract No. 90, he speaks upon the present topic thus :

“I turn to another, and practically the most mischievous, of the principles set forth in the Tract.

“It is said that our Articles were not directed against the Decrees of Trent, because they were written before those Decrees; that the Decrees do not express that authoritative teaching of the Church of Rome which is condemned by the Articles, and that the censures contained in the Articles have a sufficient object, though the Decrees of Trent, taken by themselves, remain untouched.

“All this, and much more to the same effect, is manifestly designed to show that there is nothing in our Articles inconsistent with the Letter of the Decrees of Trent;—that those Decrees and the Articles may be held together by the same person.”

The Articles of 1562 were, in point of fact, agreed upon six months before the last sitting of the Council of Trent.

But the Articles were revised in 1571. So there was a

new law set forth. Afterward the Canon and the statute of Elizabeth required subscription, and a declaration that all and every of the Articles were agreeable to the Word of God.

So there was a new promulgation of them with new requisitions of adherence, nine years after the Decrees of Trent were sent forth.

But further, such Decrees mainly combined and renewed former Romish doctrines. Thus the Council of Lateran (1215) asserted Transubstantiation; the Council of Constance (1414) denied the cup to the Laity; that of Florence (1439) decreed the doctrine of Purgatory. And thus the proposition is simply this :

The Articles are hostile to, and directed against, the Decrees of Trent, because they were explicitly directed against the Romish doctrines prevailing before, and embodied in, such Decrees.

§ 7. The alleged Calvinistic character of the Articles. We shall advert to some general authorities and facts.

The Puritan or Calvinistic party was dissatisfied with the Articles, and sought to make them more conformable to the standard of Geneva. It is true, that at first they were tolerated, or not strongly opposed, by that party.

In the second admonition to Parliament of 1572, it is said : " Indeed, the Book of Articles of the Christian religion speaketh very dangerously of falling from grace ; which is to be reformed."

How strongly they were condemned is seen in the work of Bridges Dean of Sarum, in 1587.* The main controversy was upon the Articles relating to election and predestination.†

The Lambeth Articles of 1595 furnish reliable testimony. It was sought to force them upon the Church by Archbishop Whitgift and others. They are to be found in Hardwick's Work, Appendix v., p. 349, and Carwithen's History of the Church of England, Vol. I., p. 549. Their extreme

* Apud Hardwick, p. 195.

† Ibid.

Calvinistic character was pointed out by Burghley, Chancellor of Cambridge. The following is one of them :

“ God from eternity has predestined some persons to life, and reprobated (*reprobavit*) others to death.”

“ The efficient cause of predestination is not a foresight of faith or perseverance, or of good works, or of anything in the person predestined, but the sole, absolute, and simple will of God. The number of the predestined is fixed and certain, and cannot be increased or lessened. Those who are not predestined to salvation are necessarily condemned on account of their sins.”

So at the conference at Hampton Court, in 1604, the adoption of the Lambeth Articles was strongly urged by Puritans.

The object of the proposed revision in 1643 was, according to the historian Neal, to render the Articles more express and determinate in favor of Calvinism. The Assembly of Divines was inclined to abolish them entirely, but, under the direction of the House of Commons, reported a revision with various alterations. (Hardwick, p. 199.)

In his judgment in the Gorham case, Sir J. H. Furst says : “ The history of the Formularies shows, that although strong Calvinistic views were held by Whitgift and others in the reign of Elizabeth, yet the earlier Reformers differed from Calvin ; and it cannot be shown that they considered grace once given to be indefectible. The idea, therefore, that the Reformers were Calvinists cannot give to the Formularies a different sense from that which lies on the face of them.”

If (to be more particular) we make a careful comparison between the Canons of the Synod of Dort, the highest phase of Calvinistic doctrine, and the Articles, we find diversities of a marked and material character.

The five points, as they are termed, condense the dogmas of the Synod thus :

(1.) *Predestination*. The eternal election of a fixed and limited number to life eternal ; and reprobation, or leaving in

a state of condemnation to wrath eternal, all not thus selected.

(2.) *Particular Redemption.* That Christ died only for those who were predestinated to eternal life.

(3.) *Irresistible Grace.* That those who are elected, and those only, are called effectually, irresistibly ; so that their own corruption may not counteract it.

(4.) *Final Perseverance.* In the most melancholy falls of God's people, he does not permit them to proceed so far as to lose the grace of adoption, and forfeit the state of justification. The struggle with temptation must be successful, and ultimate perseverance is certain.*

(5.) *Original Sin.* The differences here are of no great moment except as to baptism.

Now, we see that four of these five points do really rest upon the first, that of a foreordained election of some; and its consequence, reprobation of all others.

The first clause of Article XVII. is the nearest approach to the Calvinistic dogma. But we notice, in the first place, that the language is widely different ; that no definite unmistakable language is used. There is a doubtfulness of phraseology becoming the mystery of the theme.

Although the Articles were set forth very long before the Synod of Dort, and although even the Institutes of Calvin were only published in the same year (1552), yet it seems probable that such doctrines must have been agitated in England. Melancthon had been an advocate of absolute predestination, but in 1535 he published the *Loci Theologici*, in which those views were retracted, and Luther gave his approval to the work. (Brown's Art., 417. See also the Formula Concordiæ, Hardwick, 348.) It is enough, we think, to say, that what is known as the doctrine of foreknowledge not involving election or reprobation, may be held consistently with this clause of the Article. That tenet we understand to be : God calls all men to repentance and life through Christ, and includes all (fulfilling certain

* Fifth Head of Doctrine. Canons.

conditions) within the promise of salvation. But God foresaw that some would accept this call and others reject it. They who should accept were the chosen out of mankind to be saved. This is merely the result of foreknowledge, not of divine determination.

Justin Martyr ascribed free agency to all human beings, and argued that God does not cause actions, because he foresees them. "This only we hold to be fated, that they who choose what is good, shall obtain a reward; that they who choose what is evil, shall be punished."

In his view, the call or election was the taking of members of the Church of Christ out of the mass of the people of the world.

Such views, in substance, came to be known as Arminian, and Calvin admits that Ambrose, Origen, and Jerome held them.*

"Prescience," says Hooker,† "extendeth unto all things, but causeth nothing."

Now, we presume to say, that no one can scrupulously weigh every word of this Article without granting that it is consistent with the doctrine of foreknowledge not involving foredooming. When we consider also Cranmer's opinion, that Christ died for all men, and would have all saved, we seem compelled to require positive language to justify the conclusion that the Article teaches Calvinism.

We do not presume to discuss the mysterious and perplexing point, how God's prescience may be compatible with man's free-will, "the distincting God's knowledge from his election."‡ At least it is not more inexplicable than predestination itself; of which Bishop Hall says: "It is much the same in Divinity as Algebra in Arithmetic. The most enlightened Doctors of the Church had not been ashamed to confess a learned ignorance upon that head."§

The eight sermons of Dr. Lawrence (Hampton Lectures

* The foregoing are cited from Brown on the Articles.

† Book v., Appendix i. [2]; Keble ed., 2, 539.

‡ Bishop Gardiner.

§ Sermon before the Synod of Dort; Brandt's History, Vol. I., 3.

of 1804), are devoted to a minute examination of their alleged Calvinistic character. His course of reasoning and proof appears unanswerable. The heads may be thus stated :

Cranmer was, far more than any one, the author of the Offices of the Church and the Articles of her Creed. Cranmer was deeply imbued with Lutheran doctrines.

Melancthon was at the head of the Lutherans, and more relied upon than Luther himself in the setting forth of their Formularies. The Augsburg Confession is attributed to him. The agreement with that Confession of Articles upon the same subject, is marked. They are distinguishable from Calvinistic dogmas.

The Confession of Wirtemberg exhibited to the Council of Trent, was Lutheran, as contrasted with Calvinistic, and was a source from which the additions or changes made in 1562 were derived.

Particularly in the notes of Dr. Lawrence to the Lectures, the resemblances of the Articles to Lutheran views, and the opposition of such views to the Calvinistic, are elaborately specified.

In the efforts of the Arian Party in England, about the middle of the eighteenth century, to abolish subscription, it was asserted that it was the undoubted right of Protestants to interpret Scripture for themselves ; and the demand of assent to Articles and Confessions of Faith, drawn by fallible men, was a violation of such right." *

But another ground was taken, viz., that the Articles could be subscribed in any sense in which the subscribers, by their own interpretation, could reconcile them to Scripture, without regard to the meaning and intention, either of the persons who first compiled or now imposed them. Lord Coke mentions that he had heard Wray, Chief-Justice of the King's Bench, state that one Smyth subscribed the Articles, with the addition, "So far forth as the same are agreeable to the Word of God," and all the Judges held

* Waterland's Works, Vol. II., p. 264.

that such subscription was not according to the statute of Elizabeth. (Inst., part iv., c. 74.)

The case is reported in Croke, Elizabeth, p. 252, under the title of "*Smyth vs. Clarke*." It was a suit against an incumbent to deprive him, because he had not read and declared his assent to the Articles. It was found that he had read them and given his assent, with the addition above stated. The Court held that the assent must be absolute, without any condition.

In the tract of Collins, before referred to, he notices this case, and attempts to avoid its force by the distinction, that the qualification was different from the language of the statute, which is, "Those Articles only which concern doctrine." This qualification, in such language, the Court had not declared inadmissible. But the principle of the decision manifestly is, that there must be an absolute, unqualified assent.

Bishop Burnet * states that, "as to the Laity, they are but Articles of Church Communion, which it is enough not to deny, although they may not be satisfied with every point of doctrine taught. But as to the Clergy, the meaning of every subscription is to be taken from the design of the imposer, and from the words of the subscription itself." He then notices the title of the Articles, the express injunction of the 36th Canon of 1603, and the statute of the 13th of Elizabeth, and says: "These things make it appear very plain, that the subscription of the Clergy must be considered as a declaration of their own opinion, and not as a bare obligation to silence."

The Royal declaration consequent upon the disputes at the Synod of Dort, is quoted: "That no man thereafter should put his own sense or comment upon the meaning of the Article, but should take it in the literal and grammatical sense." He concludes: "When the Articles are conceived in large and general words, and have not special and restrained terms in them, we ought to take that for a sure

* Introduction to Thirty-nine Articles, p. 7.

indication that the Church does not intend to tie men up too severely to particular opinions, but leaves all to such liberty as is agreeable to the purity of faith."

"The purpose for which the Articles were designed," says Lord Stowell, "is stated to be the avoiding of diversities of opinions, and establishing an assent touching true religion. It is quite repugnant, therefore, to this intention, and indeed to all rational construction, to contend that the interpretation of the Articles should be left to the private judgment of individuals, and that any one should be at liberty to preach doctrines contrary to those which the wisdom of the State, aided and instructed by the wisdom of the Church, had adopted."*

The question as to subscription to the Articles is nowhere better stated than in Archdeacon Sharpe's Eighth Discourse. (Visitation Charge, 1742.) After noticing the various views advocated, the distinction that subscription does not imply belief in, but only a consent to submit to, and not contest them, he says: "We shall make subscription, I fear, a very evasive and Jesuitical business, if we suppose it can be made without a well-grounded conviction of the truth of what is subscribed."

And Waterbury sums up a long argument thus: "In the case of the Articles, every subscriber declares, *ex animo*, that they are agreeable to the Word of God. In consequence of this, I do not see how any man can subscribe them who does not believe them in every respect true." (Case of Arian, Subscription, p. 45.)

It is well known that Dr. Newman, in Tract No. 90, adopted a theory which made subscription actually consistent with a disbelief of the Articles, provided there was not a positive denial or contestation. This view was opposed from almost every quarter. The Bishop of Exeter used this language: "Your Grace will remember what a strong feeling there was some years past against a certain exposition of the Articles, because it explained their statements in a forced, non-natural sense, not in their plain meaning.

* In Stone's case.

I myself felt it my duty to warn my Clergy very strongly against it." (Letter to the Archbishop of Canterbury.)

The late Bishop Benjamin T. Onderdonk said, in the writer's presence, that he disapproved of the doctrine of Tract No. 90. It was untenable and dangerous. His views upon some of the leading points of the Tracts, Succession and the Sacraments, it is well known were to some extent in accordance with them.

The *Church Review* for October, 1866, contains, besides several well-argued propositions of its own, a leading passage from the Bishop of Exeter's Tract noticed above. We transcribe part of it :

"Bear with me, I entreat you, while I trespass a little on your patience, in consideration of the demand which the public voice seems to have made on the Bishops for their judgment on a Tract which has excited a wider and deeper interest than any other within our remembrance.

"That it is the last of the series is a matter of much satisfaction ; for, undoubtedly these Tracts were creating an unwholesome agitation—an agitation which was driving the writers into excess, and at the same time were producing the usual effect of all extreme courses,—*the generating of equal excesses on the part of others in an opposite direction.*

"The tone of the Tract, as respects our own Church, is offensive and indecent ; as it regards the Reformation and our Reformers, absurd as well as incongruous and unjust. Its principles of interpreting our Articles I cannot but deem most unsound ; the reasoning with which it supports its principles, sophistical ; the averments on which it founds its reasoning, at variance with recorded facts.

"Having thought it right to avow this opinion, it is my duty to state the grounds on which I have formed it :

"1. On the first particular, indeed, the language of the Tract, respecting our Church, it cannot be necessary to say much. Does it become a son of that Church, a Minister at its Altar, a pious and faithful Minister, as I fully believe him to be—Does it become such a man to jeer at the particular Church in which God's providence has placed

him, to tell her to sit still—to work in chains—to submit to her imperfections as a punishment—to go on teaching with the stammering lips of ambiguous Formularies and inconsistent precedents, and principles but partially developed?”

“But it is time to look to the principles of interpreting the Articles, which it seems to be the chief object of the Tract to establish and carry out. The first of them is thus set forth by the author himself in the professed explanation of his own views: ‘Whereas it is usual at this day to make the particular belief of the writers of the Articles, their true interpretations would make the belief of the Catholic Church such.’ Again, ‘I would say the Articles are received, not in the sense of their framers, but (as far as the wording will admit, or any ambiguity requires it) in the one Catholic sense.’” The Bishop proceeds:

“I am not aware of having before heard of that principle of interpretation of the Articles, which he says is usual, namely, the belief of the framers—though that belief may be admitted as an aid in explaining terms or propositions which are not in themselves plain. I would rather say that the usual and as well as the only sound principle of interpreting them is, to understand them in the sense in which he who subscribes has sufficient reason to know that they are understood by the authority which imposes the subscription—in other words, by the legislature, both the civil and the ecclesiastical legislature, for both have alike imposed it. *The civil legislature, or Parliament, we may well believe, has intended that they may be understood in the sense of the ecclesiastical, or Convocation; and as no different sense has been put upon them by any subsequent Parliament or Convocation (though both have subsequently renewed the requisition of subscription), we may fairly look back to the sense of the Convocation of 1571, which must have been the sense of Parliament in the same year, when both legislatures, for the first time, imposed the duty of subscription.*”

“Now the Convocation of that year, in the very Canon which imposed subscription to the Articles, tells us what is

the sense which they were designed to bear, namely, *the Catholic sense*; for, as it there enjoins preachers to teach nothing to be religiously holden or believed, but what is agreeable to the doctrine of the Old and New Testament, and has been collected out of the same by the Catholic Fathers and ancient Bishops, it must be considered as following its own rule in putting forth a Book of Articles for the establishment of consent touching true religion, and it is a security for the observance of this rule, that subscription to the Articles is required, which Articles, it proceeds to say, have been *collected* out of Scripture, and agree in all points with the heavenly doctrine therein contained.

“If this statement asserts the very principle contained in the Tract, viz., that the Articles are to be understood in the Catholic sense, it will nevertheless be found to be utterly irreconcilable with the *application* of that principle as contended for in the Tract; for it is there maintained that any man will satisfy the duty incurred in subscribing the Articles, if he assents to them, not in their plain, and obvious, and grammatical sense, but in that sense which he, of his own mere opinion, shall determine to be Catholic: whereas the Canon shows that the plain, obvious, and grammatical, is also the Catholic sense; and the preacher or minister who shall adopt any other sense as the Catholic, does in truth prefer his own private judgment on the point, to the declared judgment of the Church synodically assembled;—a procedure as uncatholic and schismatical as can be well imagined.”

In an able paper upon the Articles in the *American Churchman* of December, 1868, is a passage, which seems to us erroneous, and contrary to the sound principles contended for in the discussions in England, chiefly growing out of the Gorham case: “Their purpose and history binds us over to a strict construction of the words; and we cannot call in the same truth, in its Liturgical use, to qualify, explain, or relax the sense of the Scholastic Argument.”

On the contrary, we submit, that as the Articles to a considerable extent deal with doctrine, the reasonable and Catholic mode of treating them is as part of the doctrinal

system, and every Formulary may be, and ought to be, examined, to determine, by just comparison and elimination, what the Church meant to declare.

And we close this part of the subject with a passage from the pen of the Bishop of Brechin, which, from such a source, is very striking. After pointing out some difficulties, he says: "I can sign them myself in the literal and grammatical sense, that is, taking sentence by sentence, as lawyers would do; and where the plain and full meaning alluded to in the Declaration is ambiguous, I supplement any deficiency by the interpretation of the other subscriptions which I have made, and the documents I am bound to; so that not having the necessity to call to my aid more than the moderate use of such laws of explanation as all men practically need in the interposition of every oath, obligation, pledge, or subscription, I feel that I am in the position of being able to come to an impartial opinion on the subject of relaxation; and that opinion is, that in the present circumstances of the English Church, subscription to the Articles should be maintained; for some test, having a *quasi* dogmatic character, seems necessary to our position; and the difficulties of any substitution seem, at this moment, insuperable." (Epistle Ded. Expl. of the Thirty-nine Articles, viii.)

It is, we apprehend, very clear, that the subscription required under the Seventh Article of the Constitution of our Church, coupled with the Eighth Article, is as effectual and binding as the subscription and oath required in England. The whole question is, Do the Articles relate to the doctrine or worship of the Church? If they do, a Minister binds himself to examine, to believe, and to teach them.

This view is greatly strengthened when we consider the extent and force of the pledge which the Priest gives, "to minister the doctrine, sacraments, and discipline as the Lord has commanded, and as this Church has received the same. He must not preach any doctrine but what is warranted by the Articles of the Church, nor administer either Sacraments or Sacramentals, or any open Public Prayer,

but according to the Offices prescribed in the Book of Common Prayer, nor exercise any part of Church discipline which, by the Laws or Canons, is not entrusted to Presbyters." (Dr. Nicholls.)

Yet the rule as to Ministers of the Church of England seems, in some respects, more decidedly absolute than as to Ministers of our own Church. Under the Thirty-sixth Canon they acknowledge that all and every the Articles therein contained (in the Book of Articles), being Thirty-nine in number, are agreeable to the Word of God. Then surely an omission to deny them, or any of them, or silence upon them, is not a fulfillment of their obligation. A Minister is bound to teach and enforce that which is agreeable to the Word of God.

Still the declaration of a Minister of our Church that he will conform to the doctrine of the Church, and will minister that doctrine as this Church has received the same, is not obeyed in fullness, if the doctrine of an Article is not taught. Of course there is a difference between impugning a doctrine and neglecting to teach it. There is much latitude also allowed in the exposition. But if an Article is explicit, and pertains to doctrine, consistency and obedience require that it should be recognized and inculcated.

See further the passage quoted from the Reverend Dr. Jarvis, ante, § 5.

§ 9. General Rules of Interpretation. The opinion of Lord Langdale, in the Gorham case, has some passages of much truth and value, whatever may be thought of the decision. He says: "In all cases in which the Articles, considered as a test, admit of different interpretations, it must be held that any sense which the words fairly admit of must be allowed, if that sense be contradictory to something which the Church hath elsewhere allowed or required; and in such a case we may conclude, that those who imposed the test, commanded no more than the form of words, in their literal and grammatical sense, conveys or implies. . . . If there be any doctrine on which the Articles are silent, or ambiguously expressed, so as to be

capable of two meanings, we must suppose that it was intended to leave that doctrine to private judgment, unless the Rubrics or Formularies clearly decide it. If they do, we must conclude that the doctrine, so decided, is the doctrine of the Church. But if, on the other hand, the expressions used in the Rubrics and the Formularies are ambiguous, it is not to be concluded that the Church meant to establish indirectly as a doctrine that which it did not establish directly as such by the Articles, the Code avowedly made for the avoiding diversities of opinions, and for the establishment of consent touching true religion."

The Bishop of Exeter, in his memorable letter to the Archbishop of Canterbury, of March, 1850, says, quoting part of these passages: "No one will dispute the soundness of the principles here laid down." He proceeds to show how they were disregarded in the judgment.

In *Heath vs. Burder*, Dr. Lushington says: "The Articles must be construed judicially; and the plain principles upon which I proceed are laid down in the *Gorham* case. There are many matters which have not been defined by the Church, and which must be left open. If the Rubrics and Formularies clearly and distinctly decide any question, we must conclude that the doctrine so decided is the doctrine of the Church. The Court therefore must never assume, either that anything is binding on the Clergy, which is not found in the Articles of Religion or Book of Common Prayer, or that anything therein found was not intended to have its full effect and operation."

The same learned Judge, in *Ditcher vs. Denison* (11 Moore's Pr. Coun. Rep., 320), says: "If a sermon or tract be compared with the Articles, and found clearly repugnant to them, the intention to contravene must be inferred; for a man must be judged by the evident consequences of his acts, and be taken to intend the effect of what he has deliberately done. . . From this authority, as well as from that of Lord Coke, and a long course of

legal decisions, I deduce the proposition, that when the sense of an Article is plain, no usage, or evidence of the opinions of Divines, can be allowed to modify it. The most important of all these rules, and which must be applied before all others, is, that when anything has been clearly expressed by the Articles, no other meaning should be attempted to be put upon them by reference to any authority whatever; neither by reference to the Scriptures nor the Fathers, nor to usage, nor to any authority prior or subsequent to the Reformation. If it were competent for the Court to decide whether the doctrines taught were sound or unsound, instead of whether they were or were not repugnant to the Articles, then the Articles would cease to be the ultimate settlement of doctrinal questions. It is only when Articles are fairly capable of two meanings, that such references are admissible, and then recourse should be had in the first place to the Liturgy and other Formularies."

The following passage is from Waterland :

"It hath been maintained that our Sixth Article condemns the method of interpreting Scripture by antiquity, or at least supersedes it, because it says: 'Holy Scripture contains all things necessary for salvation,' etc. The Article says nothing but what is right, and perfectly consistent with all we have been pleading for. We allow no doctrine as necessary which stands only in Fathers, or tradition oral or written; we admit none for such but what is contained in Scripture, and proved by Scripture rightly interpreted. And we know of no way more safe or necessary to preserve the right interpretation, than to take the ancients along with us. We think it a good method to preserve our Faith against imposition of all kinds, or false criticism, or conceited reason, or oral tradition, or the assuming dictates of an infallible chair. We alledge not Fathers as grounds, or principles, or foundations of our Faith; but as witnesses, and as interpreters, and faithful conveners." (Works, Vol. V., p. 265.)

"That the Church of England hath a particular regard for antiquity, may sufficiently appear from a Canon set forth

in the same year when our Articles were perfected, and authorized by Act of Parliament, namely, in the year 1571. By that Canon, it is provided that Preachers shall not presume to deliver anything from the pulpit, as of moment, to be religiously observed and believed by the people, but that which is agreeable to the doctrine of the Old and New Testament, and collected out of the same by the Catholic Fathers and Bishops of the Ancient Church,—a wise regulation, formed with exquisite judgment, and worded with the exactest caution. The Canon does not order that they should teach whatever has been taught by Fathers; that would have been setting up a new rule of Faith. Neither doth it say that they shall teach whatsoever the Fathers have collected from Scripture; that would have been making them infallible interpreters. The doctrine must be found first in Scripture; but to be sure that we have found it there, the Fathers are to be called in, to be, as it were, constant checks upon the presumption or wantonness of private interpretation; but then, again, as to private interpretation, there is liberty enough allowed to it. Indeed, if there be any Church now in the world which truly reverences antiquity, and pays a proper regard to it, it is this Church. The Romans talk of antiquity, while we observe and follow it." (*Ibid.*, p. 316.)

In *Wilbur vs. Fendall* (*Eccl. Cases*, Privy Council, p. 255), Dr. Lushington says: "So long as the Articles and Services of the Church are reconcilable, and not only reconcilable, but necessarily consistent, I must construe them together. If a doctrine is laid down in the Baptismal and other Services, and in the Rubrics, all of which were confirmed by Act of Parliament, and adopted by Convocation, I must look to that source for my guide, if the Articles are silent upon the point.

"The Articles and Formularies are the legal tests of doctrine which are to be applied to the present case. The Court will look to the Articles first, then to the Book of Common Prayer. The Articles are the primary matter for consideration, because their special object was to prevent

diversities of religious doctrine. The Liturgy was not formed for such an object, but for devotional purposes. Hence, the Court, having to try the charge of false doctrine, based on the Liturgy, must see that the part of the Liturgy quoted is of a strictly dogmatical character. Subscription is made to the Articles in a literal sense, and the true construction of them is laid down in the *Gorham* case. The rules to be applied are the rules applicable by law to the construction of all written instruments. The consideration of external and historical facts is to be imported only so far as is necessary to understand the subject-matter, and the meaning of the words employed."

It is of much importance to notice a Canon of Construction adopted by some English Judges. It is, that upon questions of doctrine, the Articles are first and chiefly to be considered. It is only when they are silent, or not explicit, that the other Formularies may be invoked. And to support this view, stress is laid upon the Preface, showing that they were made to avoid diversities of opinions, and to establish concord. The Liturgy, for example, is termed devotional; the Articles, doctrinal.

It would have been surprising, if a theory like this had not been disputed. The Creeds are embodied in the Prayer-Book, and are essentially doctrinal. They are the results of the struggle of the Catholic Church to consecrate and perpetuate truths, as well as to confute errors prevailing at the time. With few variations of moment, they embodied the faith of the Universal Church. Almost every clause was dogmatical. False, pernicious, and most illogical would it be to hold, that the expressions declaring the faith made by a Church in 1552 or 1801, were equal in authority to rules of faith which prevailed in the days of the Apostles, and were condensed, avowed, and proclaimed at the Council of Nicea, in the fourth century.

To some extent, the Church in the United States is more free from this difficulty than the Church of England. We have no such Preface as that to the English Articles, touching the removal of diversities. We adopted the Prayer-

Book, with Creeds, Baptismal and Communion Offices, and Catechism, twelve years before the ratification of the Articles. A strong opinion was expressed that we had enough for the due settlement of doctrine, without the Articles. This, we conceive, was not a right conclusion. But it shows decisively that there was doctrine recognized and declared before, and independent of, our Articles.

It is manifest that in our Church, they do not, upon any point of doctrine, form the primary and principal source of truth and decision. On the contrary, the true position would be, that the Prayer-Book proper contains, in its Offices, the primal fountain of instruction and guidance. The Articles should be used, but in subordination—to amplify, to explain, and to supply.

Hence, if there can be found, upon any point, statements in the Prayer-Book at variance with those of an Article, the former must supersede the latter. They have an older, more Catholic paternity.

But, without pressing this point further, we are justified by our history, and by the Eighth Article of the Constitution, at least, in holding—That all our Formularies are placed upon a common, equal footing; all are to be studied; all to be respected, as the result of the thought, learning, catholicity, and judgment of the English and American Churches, upon the cardinal points of faith. Bring together all that is found in any of these upon a particular subject; weigh all the statements, under the guidance of a sober, enlightened reasoning, and there will be found, not, perhaps, an absolute harmony, yet the certainty of attaining a substantial reconciliation.

CHAPTER VII.

CANONS OF 1603.

IT is to be taken as settled English law, that by force of the Act 25 Henry VIII., called the Act of Submission of the Clergy, Convocation was assembled by the King's writ; could not adopt or enact Canons without his consent; and could be dissolved at his pleasure.*

In the Synodalia of the English Church (N. Y., 1852, p. 253), will be found a full and interesting account of this Act. From the statements there, and from those of Dr. Burns, we find that, before the year 1530, there had been a decided struggle on the part of the Clergy of England for recognition of the right to legislate exclusively in all matters strictly ecclesiastical. The assertion of this independence and authority was asserted as against the encroachments of the Papacy, down, at least, to the age of the Conquest. The Consecration of the banners of William led ultimately to the subjugation of the Anglican Church to Papal power.

Henry VIII. sought to substitute his own arbitrary rule for the sway of the Pope. When he demanded a solemn recognition of his supremacy as head of the Church, the Convocation debated the matter for five days, and at last a reluctant assent was given with the pregnant words added: *ut quantum per Christi legem licet*. Tunstall, Bishop of Durham, protested even against this, alleging that it would bear such a sense as to invalidate all Episcopal authority, and to attribute to the King not only his lawful temporal, but also an actual spiritual, jurisdiction over the Clergy.

* Burns' Ecc. Law, 2, p. 24; Trevor, Two Convocations.

It would be useless to enter minutely into the examination of the effects of the Act of Submission. The opinion of Atterbury* seems the most accurate. The Writ of Summons itself is a sufficient license for the Clergy to treat and consult, though not for their concluding and making Canons.

The Convocation of 1603 was assembled under a license from the King to confer, treat, consult, and agree of and upon such Canons, Orders, Ordinances, and Constitutions, as they should think necessary, fit, and convenient. Under this the well-known body of Canons of that year was adopted and ratified by King James.

§ 2. *Their Force and Effect.* We are to notice that it is a settled rule of the English Courts that these Canons do not bind the Laity, for want of the sanction of Parliament.† Parliament, we must remember, has a twofold capacity in Ecclesiastical legislation; one, as enforcing, with civil penalties and power, the laws of the Church; the other, as representing the Laity, and giving their consent to the laws of the Church.

Thus Lord Holt says: "'Tis very plain that all the Clergy are bound by the Canons confirmed by the King, but they must be confirmed by Parliament to bind the Laity." And Lord Hardwick's language is: "We are all of opinion that, *proprio vigore*, the Canons of 1603 do not bind the Laity. I say *proprio vigore*, because some of them are only declaratory of the ancient Canon law." The question in *Middleton vs. Croft*, was, whether the Canons of 1603, as to clandestine marriages, bound the Laity.

But accepting this rule as too fully established to be contested, we have yet some influence attributable to these Canons. They are expositions of the judgment of the Church of England of what is the rule. Chief-Baron Gilbert adverts to this, when he says: "These Tables (as to the forbidden

* Right's Power, etc., p. 418; Trevor, p. 162.

† Lee's Reports, Vol. I., p. 437; *Middleton vs. Croft*; 2 Atkins' Rep., 650; Strange, 1056; *Lacy vs. Watson*, Ecc. Judgments, p. 338; see Carthew's Rep., 485, and Mr. Joyce's Criticisms, apud English Sacred Synods, p. 625, etc.; Blackstone's Comm., Vol. I., p. 83.

degrees), do show the sense of the Church of England, and so are a proper exposition of the law of England, and of consequence ought to have a great weight with the judges."*

To a considerable extent, these Canons have lost their authority, even in England. Some have become obsolete and unfitted to the situation of the Church; some incapable of being enforced; some superseded by statute. "They were passed," says Cardwell, "at a period when the state of society was different from the present, and legislation was carried into matters of extreme detail." He enumerates many as virtually superseded.†

The action of the General Convention of October, 1871, has led to a new arrangement of our matter upon this subject.

The Joint Committee of the two Houses reported in October, 1871, a Canon as follows:

"§ 1. This Church, holding fast its liberty in Christ its head, recognizes no other law of Ritual, than such as it shall have accepted or provided, meaning thereby in no-wise to prejudice or arraign, etc.

"§ 2. The provisions for Ritual in this Church are:

"*First*, The Book of Common Prayer, with the Offices and Ordinal thereto appended, as adapted to the use of this Church by additions, omissions, or other alterations, from time to time constitutionally made.

"*Second*, The Canons of the Church of England, in use in the American Provinces before the year 1789, and not subsequently superseded, altered, or repealed by legislation, General or Diocesan, of this Church.

"*Third*, The Canonical or other regular legislative or judicial action or decisions of this Church, in its Conventions, General or Diocesan, or by its duly constituted authorities."

Section 3 recognized the authority of the Ordinary in

* Butler *vs.* Gaskell, Gilbert's Rep., 150.

† Synodalia, p. 24; see Stillingfleet's Rights and Duties, 261-267; Sharpe on the Rubrics, etc., Diss., v.

questions of Ritual, and provided for a revision of his decisions by the House of Bishops.

The Canon was accompanied with a resolution that a Joint Committee . . . be appointed to examine the Canons of the Church of England of 1603, and report to the next General Convention what portions were in use in the American Provinces in the year 1789, and how far the same have been modified by repeal or alteration, or other mode, by the action of the Church in its Conventions, General or Diocesan, and whether any portion requires modification or repeal.

The resolution appears to restrict the language of the Canon to the Canons of 1603. The Canon indicates that the inquiry was to be what were of force before 1789, or at least before the legislation of that year. The term, American Provinces, suggests that the intent was, what were in use in the Colonies. Province and Colony are used synonymously.*

We apprehend, notwithstanding the able argument of Mr. McCrady, that this inquiry could only have resulted in vagueness and uncertainty. History, documents, even tradition, would go very little way, at this late period, to settle a usage. Even if the inquiry had been, which of these Canons were, on their face, not inapplicable to the Church of England in the Colonies, and therefore presumptively of force—and then which of them had been repealed, superseded, or modified by our legislation, there would have been difficulties, though the task would have been lighter. The simplest and easiest mode is, to ascertain which of them are plainly inapplicable to our position now ; which of them, on their face, are of such a nature as could bind Clergymen of a Church, sprung from that of England, and consistent with the positions of our own particular Church ; and then to determine which of these have been superseded or modified by our action.

Let us examine them upon these rules.

* So in Dongan's Charter of 1688.

They are 141 in number, and are arranged under fourteen heads. We may pass over the following as wholly inapplicable, viz. : Canons 77, 78, and 79, under the fourth head, "Of Schoolmasters ;" Canons 89 and 90, under the sixth head, "Of Churchwardens and Trustmen ;" the 91st Canon, "Of Parish Clerks ;" Canons 92 to 108 inclusive (excepting, perhaps, the 99th *), under the eighth head ; Canons 109 to 126 inclusive, under the ninth ; Canons 127 to 138 inclusive, under the tenth and eleventh heads. They are connected with the Courts and their Offices. A few contain principles of general law, such as the 122d, "Of Sentences of Deposition," etc., but they are regulated by provisions of our own. Fifty-three of these Canons thus require no further notice.

Again, there is a class of the Canons, of which it may be said that they were in force not only during Colonial days, but down to the establishment of the Church in 1789 (except as repugnant to the principles of the Revolution), but are inoperative as laws by virtue of such establishment. Indeed, we may go a step further, and recognize the Canons of this class as affirming truths, although we deny them any authority as laws ; they do not possess, and cannot be applied with, any coercive power, ecclesiastical or other.

Many of the first twelve Canons (under the head, "Of the Church of England"), are of this character. Such are the 3d to the 9th inclusive. The truths therein stated must be held by us, or we repudiate our inheritance ; but nothing makes them obligatory as laws. The 139th, 140th, and 141st (rejecting the element of the King's Supremacy), are similar in character. We thus exclude fifteen more. In fact, then, the Canons which alone can be treated as of any positive influence in our Church are those under the 2d, 3d, and 5th heads, viz. : *Of Divine Service and Administration of the Sacraments ; of Ministers, their ordination, function, and charge ; and of things appertaining to Churches.*

Of these, also, we find the following inapplicable : the 16th, 17th, 23d, 24th, 25th, 27th, 36th, 37th, 38th, 40th, 41st, 42d,

* This is hereafter separately discussed.

43d, 44th, 45th, 46th, 47th, 51st, 52d, 53d, 54th, 55th, 56th,* 57th, 62d, 63d, 65th, 66th, 72d, 73d, 74th, 86th, and 87th.

The 13th, 14th, 15th (as we think), 22d, 26th, 29th, 31st, 32d, 33d, 34th, 35th, 39th, 48th, 49th, 50th, 64th, and 70th, are superseded by provisions of our own upon the same matters; but they may be usefully referred to for explanation and confirmation.

There remain for examination the 18th, 19th, 20th, 21st, 28th, 30th, 58th, 59th, 60th, 61st, 67th, 68th, 69th, 71st, 75th, 76th, 80th, 81st, 82d, 83d, 84th, 85th, and 88th.

Of these, the 19th and 20th relate to the duties of Churchwardens. The 21st, as far as it concerns the Laity, is not obligatory; and as to the Minister, our own provisions cover each clause, except the delivery of the elements severally, and the frequency of the Communion. These we deem in force. The 28th relates to remitting strangers to their own parish for Communing. We think it is not obligatory. Archdeacon Sharpe states that it has no longer any force. (On the Rubric, etc., p. 105.) The 30th is hereafter specially noticed. The 59th, 60th, and 61st relate to the duties of Ministers to catechize, and prepare for Confirmation, and of the ministering of Confirmation, all covered by our own provisions. The 67th refers to the visiting the sick; the 68th and 69th the duty to christen and bury. What is applicable of the 71st is provided for. The 75th and 76th relate to the sober conversation and adherence to their calling. The duty as to the Bible and Book of Common Prayer falls upon our Vestries, and the 80th Canon does not prevail. The same is the case with the 81st as to an Alms Chest. As a recommendation and a laudable custom, it has of late been much followed. The 85th enjoins duties upon Wardens and Questmen which fall upon our Vestries, and the 88th relates to such as are exercised by the Rector and Vestry.

There are actually but six Canons which, in strictness, relate to Ritual in its proper sense—the 18th, 30th, 58th, 81st, 82d, and 83d.

* This seems the best result.

We have before quoted the 81st Canon as to the Stone Font, and other authorities, and judged it to be obligatory with us. (Ante, ch. iv., § 6.) We have also examined the 82d, as to the Holy Table, its covering, position, etc., and the extent and force of the provisions in the English Church. (Ante, ch. ii., § 6.) The clause, as to the Ten Commandments being placed at the East end, has fallen into disuse. The 83d, as to the Pulpit, needs no comment.

So, in regard to the 58th Canon, the garb to be used during Divine Service, we have fully discussed the matter under the title Vestments (ante, chap. iii., § 9); and have shown, we presume to say, that the rule is settled in our own Church by authority sufficient without the Canon, though we allow its force.

It is thus seen how extremely trifling would be the guidance we should obtain, or the results we should reach, by these Canons, for Ritual regulations.

But it is very clear that, in the English Church, the directions and Rubrics of the offices are not only vastly more full and comprehensive, but are paramount, if they differ at all from any of these Canons.* Unless our whole fabric of history and argument is baseless, the former are the chief and copious sources of investigation, to understand and confirm what we have enacted; to settle what we must be deemed to have rejected; and to supply whatsoever we have omitted, and yet may be supposed did not mean to repudiate.

We proceed to notice some of these Canons particularly.

§ 4. Canon 18. A Reverence and Attention to be used within the Church in the time of Divine Service.

In the time of Divine Service, and of every part thereof, all due reverence is to be used, for it is according to the Apostle's rule: "Let all things be done decently and according to order." Answerable to which decency and order, we judge these our directions following: No man shall cover his head in the church or chapel in the time of

* Sharpe on the Rubrics, p. 100.

Divine Service, except he have some infirmity, in which case let him wear a cap or coif. All manner of persons then present shall reverently kneel upon their knees, when the General Confession, Litany, and other Prayers are read; and shall stand up at the saying of the belief according to the rules in that belief prescribed in the Book of Common Prayer; and likewise when, in time of divine service, the Lord Jesus shall be mentioned, due and lowly reverence shall be done by all persons present, as it hath been accustomed; testifying by these outward gestures and ceremonies their inward humility, Christian resolution, and due acknowledgment that the Lord Jesus Christ, the true eternal Son of God, is the only Saviour of the world, in whom alone all the mercies, graces, and promises of God to mankind for this life, and the life to come, are fully and wholly comprised. None, either man, woman, or child, of what calling soever, shall be otherwise, at such times, busied in the Church, than in quiet attendance to hear, mark, and understand that which is read, preached, or ministered, saying, in their due places, audibly with the minister, the Confession, the Lord's Prayer, and the Creed; and making such other answers to the public prayers as are appointed in the Book of Common Prayer; neither shall they disturb the service or sermon, by walking, or talking, or any other way; nor depart out of the church during the time of service or sermon, without some urgent or reasonable cause.

That the custom of bowing at the name of Jesus in the Creed is warranted in this Canon is quite clear; and it seems that a more frequent reverence was not practised, though the letter directs it. (See Wheatly, 149; Procter, 231.)

Andrews and Montague enjoined the bowing when the name of Jesus was pronounced in reading the Gospel. (Robertson, *How to Conform*, 117–119.) The name Jesus indicated the humanity of our Saviour, and the bowing at that name was to signify that he who became man, was also God. (Hook's Dict., tit. Bowing.)

§ 5. The Thirtieth Canon. By the Rubric in the English Office of Public Baptism it is declared: "To take away all scruple

as to the use of the Cross in Baptism, the true explication thereof, and the just reasons for retaining of it, may be seen in the Thirtieth Canon, first published in the year 1604." It is well settled that, in confirming the Book of Common Prayer, Parliament confirmed the Rubrics in it: "The Rubrics or directions in the Book of Common Prayer form a part of the statute law of the land."*

Thus this Canon is the authoritative declaration and law of the English Church as to the use of the Cross in Baptism. Its language is beautiful and impressive. We select a few passages.

"We do commend to all true members of the Church of England these our directions and observations ensuing :

"Thirdly, it must be confessed that, in process of time, the sign of the Cross was greatly abused in the Church of Rome, especially after the corruption of Popery had once possessed it. But the abuse of a thing doth not take away the lawful use of it. Nay, so far was it from the purpose of the Church of England to forsake and reject the churches of Italy, France, Spain, Germany, or any such churches, in all things which they held and practised, that, as the apology for the Church of England confesseth, it doth with reverence retain those ceremonies which do neither endamage the Church of God, nor offend the minds of sober men ; and only departed from them in those particular points wherein they were fallen, both from themselves in their ancient integrity, and from the Apostolical Churches, which were their first founders. In which respect, amongst some other very ancient ceremonies, the sign of the Cross in Baptism hath been retained in this Church, both by the judgment and practice of those Reverend Fathers and great Divines in the days of King Edward VI., of whom some constantly suffered for the profession of the truth ; and others, being exiled in the time of Queen Mary, did, after their return, in the beginning of the reign of our late sovereign, continually defend and use the same. This resolution and

* Per Sir John Nicoll, in Kemp *vs.* Wickes, 3 Phill., 268.

practice of our Church hath been allowed and approved by the Communion Book of King Edward VI., in his days, and by the harmony of confessions of later years, because indeed the use of this sign in Baptism was ever accompanied here with such sufficient cautions and exceptions against all Popish superstition and error, as in the like cases are fit or convenient.

“It is apparent in the Communion Book, that the infant baptized is by virtue of Baptism, before it be signed with the sign of the Cross, received into the congregation of Christ’s flock, as a perfect member thereof, and not by any power ascribed unto the sign of the Cross. So that, for the very remembrance of the Cross, which is very precious to all them that rightly believe in Jesus Christ, and, in the other respects mentioned, the Church of England hath retained still the sign of it in Baptism; following therein the Primitive and Apostolical Churches, and accounting it a lawful outward ceremony and honorable badge whereby the infant is dedicated to the service of Him that died upon the Cross, as, by the words used in the Book of Common Prayer, may appear.”

The Rubric in the English Prayer-Book is explicit in directing the use of the sign of the Cross. Our own leaves the Minister a discretion to omit it, on request of those who present the child; but adds, that the Church knows no worthy cause of scruple concerning the same. This Canon is its ample vindication.

The 99th Canon is as follows: “No person shall marry within the degrees prohibited by God’s laws, and expressed in a Table set forth by authority in the year of our Lord 1563. All marriages so made shall be deemed incestuous and unlawful.” We need not set forth the Table at length. It was drawn in 1563 by Archbishop Parker. It included a brother’s wife and wife’s sister. A Canon of 1571 was to the same effect.*

There were, also, statutes of England relating to the subject :

* Codex, Vol. I., p. 478.

§ 6. Canon 99.
Forbidden De-
grees of Marri-
age.

“By the Act of 25 Henry VIII., chapter 22 (1533), it was declared, ‘that marriages within the degrees of marriage prohibited by God’s laws, that is to say,’—and then follows the enumeration from the 18th chapter of Leviticus, with immaterial changes of language, except that the prohibition as to a woman and her daughter, as in the 17th verse, is changed to his wife’s daughter, or his wife’s son’s daughter, etc.; but marriage with a wife’s sister is in terms included,—these are all declared to be plainly prohibited by God’s law.”

Thus far we have the adoption of the Levitical prohibitions as God’s law, the judgment that these included a wife’s sister, and brother’s wife, and no suggestion of anything else being condemned by God’s law.

The statute 32 Henry VIII., cap. 38 (1540), provided that “all marriages contracted between lawful persons (as we declare all persons to be lawful that be not prohibited by God’s law to marry), such marriages being contracted and solemnized in the face of the Church, shall be deemed lawful.”

“And no reservation or prohibition (God’s law except) shall trouble or impeach any marriage without the Levitical degrees.

The Act of Henry VIII. remained in force until varied by the Act of 5 and 6 William IV., cap. 54, called Lord Lyndhurst’s Act. Indeed, to a great extent, it continues still in force.

But by the Act of William IV. all marriages thereafter had within the prohibited degrees, whether of consanguinity or affinity, were declared absolutely null and void. Marriages within the prohibited degrees of affinity before had, were to be held valid, so far as that the children should not be deemed illegitimate. Before the Act, it was necessary to procure a judicial sentence of nullity.

In *The Queen vs. Chadwick*, 17 Law J. Rep. N. S., p. 33, it was decided—

That a marriage with a deceased wife’s sister after the Act was absolutely void.

That the prohibited degrees in the statute of William refer to what were decided to be such by the Ecclesiastical Courts.

That the degrees prohibited by God's law in 32 Henry VIII., cap. 38, are those enumerated in 25 Henry VIII., cap. 22, and 28 Henry VIII., cap. 7. The two last Acts were so far operative as to affect the rule of construction for the former.

In 1851 an effort was made, but without success, to repeal the law of William IV., so far as it rendered the marriages with a brother's wife or deceased wife's sister illegal.

Subsequent attempts, one as late as 1870, have also been defeated.

During Colonial days, and subsequently, special statutes have been passed upon the subject. In Virginia there were statutes in 1730, 1788, and 1817. The Levitical prohibition, and marriage with a deceased wife's sister, were comprised. In South Carolina, in 1706, a Table of Degrees was adopted, and directed to be set up in every church. In 1702 a statute of Maryland declared unlawful what was forbidden in the English Table. In 1785 some of the degrees were omitted, and in 1790 there was an omission from the Table of prohibitions, of a wife's sister and brother's wife. In 1715 Connecticut adopted the Levitical prohibition, and included a wife's sister. The present law does not include this, nor a brother's wife, as forbidden. The law of Rhode Island is similar to that of Connecticut. New Jersey, in 1719, adopted the English statute. But in 1795 great changes were made, by omitting many cases; among them both wife's sister and brother's wife.

I believe there was no Colonial Act in New York upon the subject, nor any Act of the State prior to the Revised Statutes of 1830. Chancellor Kent, in *Wightman vs. Wightman* (4 John., ch. 16, p. 343), recognized the fact, that we had no statute in the State upon the matter. He held that marriages between persons in the lineal line of consanguinity, ascendent or descendent, or between brothers and sisters in the collateral line, were void, *ab initio*, by the Law

of Nature, sanctioned by the principles of the Common Law. But as to collaterals beyond brother and sister, the Levitical degrees were not binding as a rule of municipal obedience.

But Chancellor Sanford, in *Burtis vs. Burtis* (Hopkins' Rep., 557), decided that we had no tribunal competent to annul even such marriages as Chancellor Kent held to be void; that the law concerning matrimonial causes did not form part of the law of the Colony, nor of the State.

The Revised Statutes of 1830 (2 R. S., 139, § 3) declared "that marriages between parents and children, including grandparents and grandchildren of every degree, ascending and descending, and between brothers and sisters of the half as well as the whole blood, were incestuous and absolutely void. This section shall extend to illegitimate as well as to legitimate children and relatives."

The authorities I have cited, and the passage of the Special Statutes in so many of the Colonies, warrant the conclusion, that the statutes of Henry VIII. were not considered as binding in the Colonies; and as the Canon of itself did not bind the Laity of the Church, we may reasonably conclude that, as to them, the only law was that of the Colony or State in which they dwelt. But for the Clergy, the case is widely different, and for their own conduct and government, the argument seems unanswerable that the Table ruled. And we find Bishop White and Bishop Claggett reporting to the Convention that, in their judgment, the Table was in force. The Convention of Maryland thought otherwise, as they petitioned for the adoption of the English Table, having by Canon approved it for themselves, and several Bishops subsequently were of opinion it was not binding. In 1817 the subject was again before the Convention, and a Committee, of which Bishop White was Chairman, reported that the Table of kindred and affinity, established in the Church of England, is received as established in this Church, with the provision relating to a man's marrying his brother's wife or his wife's sister, or a woman marrying her husband's brother, or her sister's husband

that although the Church disapproves of such marriages, because of temptation to sin in the allowance of them, yet, in the event of such marriage, it shall not be a cause for repelling from the Holy Communion; but that it shall not be lawful for any clergyman of the Church to celebrate such a marriage.* Bishop White also observes, that he is not at all convinced that the 18th chapter of Leviticus is binding on Christian States or Churches.†

In the year 1838 the subject was resumed, and a Committee was appointed by the House of Bishops, consisting of Bishops Griswold, Brownell, and Henry U. Onderdonk. The two former reported, in 1841, that a decision upon the matter was at that time inexpedient. The latter submitted that it was the duty of the General Convention to legislate, and that the entire English Table should be enacted, it being in conformity with the word of God. He did not propose any penalty to be inflicted on the parties marrying, but proposed that the Minister officiating should be suspended, and if a Minister contracted such a marriage, he should be displaced.

But treating this view of the question of the obligation of the Table, there is another which will go far to settle the leading points.

The Seventh Article of the Church provides, that "the law given to Moses, touching Rites and Ceremonies, does not bind Christian men, nor should the civil precepts thereof be received; yet no Christian man is free from the Commandments called Moral."

This seems directed against the opinion of Luther and others, who held that not only the civil laws and ceremonies were annulled, but the *Moralia* also, including the Ten Commandments. Melancthon, though less positively, took a similar view.‡

The Bishop of Exeter divided the law into the Ceremonial, Civil, and Moral. Dr. Grey classes it as Ceremonial, Judicial, and Moral.§

* Memoirs of Bishop White, p. 346; Report, p. 344.

† Ibid., 248.

‡ Bishop Forbes on the Seventh Article.

§ Key to the Old Testament, p. 68.

The several propositions upon the subject are as follows :

1. That all the Moral Law, including the Ten Commandments, was abrogated by the Christian Dispensation.

2. That the Ten Commandments, and no more, were retained.

3. That the Moral Law meant by the Article, included more than the Commandments, and assuredly comprised the Levitical Prohibitions.

1. The first need not be dwelt upon. The Church has definitely ruled against it.

2. In the Presbyterian Confession of Faith, the law is treated as consisting of the Ten Commandments delivered upon the mount. The other Laws, Judicial and Ceremonial, are abolished, etc. (Chap. xix., Of the Law of God.) The Gallican Confession, and the 25th Article of the Synod of Dort, are indefinite. They can be construed to admit that some precepts in the Old Testament, more than the Decalogue, are of divine, permanent authority. I consider Jeremy Taylor to hold the same theory. (*Doctor Dubitantium*.) Bishop White, of our own Church, doubts whether the Levitical Law was binding. Dinon deems it not of force by divine authority, but from its adoption by the Church of England as the pattern of her express law. (Degrees of Consanguinity, etc., 1674.)

3. Bishop Jewell,* Dr. Hammond,† the Bishop of Exeter,‡ and Bishop Henry U. Onderdonk,§ hold that the Levitical Prohibitions are of existing obligation ; and further, that this prevails, not only as to an express prohibition, but as to what is, by parity of reason, within it, or within the degree. The *Reformatio Legum*, under the sanction of Cranmer, the Bishop of Ely, Coxe, Peter Martyr, and Doctors Meux and Taylor, with others of note, declares, as to the Levitical precepts, "That they have the same weight of authority that our Religion attaches to the Decalogue ; that no human power shall determine anything in

* Gibbon's Codex, Vol. I., p. 498.

† Works, Vol. I., p. 473.

‡ Speech in the House of Lords, 1851, ed. 1674.

§ Pamphlet, 1847.

any manner against them." * Again, "Two rules we wish to be regarded; one is, that what degrees are attributed to men, the same are to be assigned to women, of equal degree in proportion and propinquity. The second is, that a man and woman are considered, as between themselves, to have one and the same flesh, and so, whatever grade of consanguinity applies to him, the same law, in the grade of affinity, applies to the wife. All the degrees by name are not expressly set down, but the Holy Ghost declared only such degrees, from which the rest might evidently be deduced. By prohibiting the son from marrying his mother, it followeth that the daughter shall not marry the father." †

The *Reformatio Legum* is exactly in opposition to the Council of Trent, which declared that this law could be dispensed with or altered by Papal authority.

But Michaelis and Grotius take a narrower view. They hold that what is expressly prohibited is of divine, existing obligation, but deny the doctrine of extension by parity of reasoning. Thus, Michaelis will not allow that marriage with a niece is forbidden, because that with an aunt is so. ‡

The positive Prohibitions of Leviticus are:

Marriage with a

Mother.	Father's Sister.
Mother's Sister.	Wife of Father's Brother.
Step-Mother.	Father's Wife's Daughter.
Sister, legitimate or not.	Daughter of Wife.
Half-Sister, on either side.	Daughter of Son's Wife.
Daughter of Step-Mother, by Father.	Daughter of Wife's Daughter.
Son's Daughter.	Daughter-in-Law.
Brother's Wife. (a)	Daughter's Daughter.

(a) "Thou shalt not uncover the nakedness of thy brother's wife; it is thy brother's nakedness." (Ch. xviii., v. 16.) "And if a man shall take his brother's wife, it is an unclean thing; he hath uncovered his brother's nakedness; they shall be childless." (Ch. xx., 21.)

* *De Gradibus*, chap. iii.

† *Ibid.*, cap. 4, p. 45, ed. 1640.

‡ Article 101.

“Neither shalt thou take a wife to her sister to vex her, to uncover her nakedness beside the other in her lifetime.” (Ch. xviii. 18.)

These inhibitions are accompanied with the declaration that whoever should violate them, their souls should be cut off from the people. (Ver. 20.) In some instances, the parties were to be put to death, or burnt with fire.

The important questions are as to a marriage with a deceased brother's wife, and one with a deceased wife's sister.

A glance at the legislation of the Church will aid us in this inquiry. It is probable that after the Christian Empire had begun with Constantine, the Church allowed itself to be governed in this matter by the Emperors, and that the absolute law sprang directly from their edicts. But it is clear that the Church often established rules of its own, whether agreeing with or differing from those of the State.

St. Augustine, in defending the marriage of cousins, says: “It was not forbidden by the Divine Law, nor as yet by human law.”*

By the 19th of the Apostolical Canons, “he who had married two sisters, or his brother's or sister's daughter, could not be a Clergyman.” This is the translation of Dr. Chase.† Van Espen quotes it from the version of Dionysius, which is the same as to a marriage with two sisters, but mentions only *filiam patris*. He says, the reading of the Greeks is, *consobrinam*, signifying the daughter of either brother or sister, and Cotelierius reads, *aut fratris vel sororis filiam*.

This is a strong piece of evidence—strong to show that such a marriage was not deemed to be forbidden, and strong to show a disapproval of it.

The Council of Elliberis (A.D. 305) declared that, if any one, after the death of his wife, married her sister, he should be subject to five years' penance. That of Neocesarea (314), that a woman who had been married to two brothers should be excommunicated, and in great sickness should only be

* *De Civitate Dei*; see Van Espen, Jus. Un., Vol. I., p. 584.

† Ed. 1848, p. 247.

reconciled upon condition that if she recovered, she would dissolve the marriage.

The Council of Tours (401), and of Adge (506), interdicted a marriage with a brother's wife, and are silent as to that with a wife's sister. That of Auxerre (578) condemned both.

St. Basilus, writing, in the fourth century, of a widower who had married the sister of his deceased wife, and condemning him, says : " It is of moment that in these things we should be able to show to the Prince the custom which is among us, that it may receive the force of the law besides the holy sanctions delivered by holy men." *

Pope Gregory, in his answers to Augustine (601), forbids marriage with a brother's wife, because by her former marriage she was made one flesh with the brother. He forbade also the marriage of cousins german. Nothing is said by him as to a wife's sister. The Excerptions of Eggbright (748), and the Penitential Canons of 963, are the same as to a brother's wife. The latter is very decided. If the parties continued together till death, they were not to be absolved.† They were reserved for the divine doom. The Canons made at Easham, 1009; Cnutes Laws, 1007; and Lanfrances, 1075, appear to include the prohibition of a marriage with a wife's sister.

Some Romish writers held that the case of Herod, denounced by John the Baptist, was one of adultery, the brother being living. The Bishop of Exeter, in the speech before referred to, confutes this notion. All the three Evangelists speak of Herodias being his brother Philip's wife, and of that constituting the crime. Tertullian is quoted, who says, that John rebuked Herod, because against the law he had married the wife of his deceased brother, he having left a daughter by her, the law not permitting this, unless the brother had died childless.

Bellarmino is cited as admitting that the law of Moses

* The above are taken from Bingham's *Antiq.*, Vol. VIII., p. 24; Vol. VI., p. 410; and Van Espen, Vol. I., p. 575.

† Johnson's *Ecc. Laws*.

prevailed, during the whole life of John, and prohibited the marriage, as the brother left a child.

Josephus, indeed, is translated as stating that Herodias was married to Herod (Philip), son of Herod the Great, and had a daughter named Salome; after whose birth Herodias took upon her to confound the laws of our country, divorced herself from her husband while he was alive, and was married to Herod (Antipas), her husband's brother by the father's side. (*Antiq.*, xviii., ch. 5.)

But the Bishop of Exeter says: "I am ready to establish my assertions, by proofs drawn from Josephus himself, that Herod's brother Philip, whose wife Herodias had been, was dead. He left a daughter; consequently, Herod's marriage with her, denounced by John as sinful, was simply by reason of her being near of kin to him."

In a note he enters fully upon the subject, and he translates the passage from Josephus substantially thus: "Herodias had married Herod, son of Herod the Great, and had a daughter by her, Salome. Herodias parted from him while he was alive. She married her husband's brother, being minded to break her country's laws. By her country's laws were meant the particular Jewish laws, not the general law against adultery."

This translation is not decisive as to the first husband being dead. It may admit of either construction. But the Bishop of Exeter quotes another passage of Josephus, which tends to show his meaning in this: "Transgressing the law of his country, he married the daughter of Archelaus, having been the wife of his brother Alexander, by whom she had children, it being strictly forbidden to the Jews to marry brothers' wives." (*Antiq.*, xvii., 131.)

The conclusion seems inevitable. The prohibition was explicit against marrying the wife of a deceased brother. That law remains unrevoked, as much as the Decalogue, and whosoever claims to be a Christian is bound by it.

We come to the disputed question of a marriage with a deceased wife's sister. Dr. Hammond* contends that the

* Works, Vol. I., p. 473.

marginal reading, "one wife to another," is the true one, and the inhibition was against Polygamy. But this position seems untenable. Mr. Lewis observes: "There are many eminent writers who, following the marginal reading, "one wife to another," conceive that plurality of wives is expressly forbidden by this law, and so the Kardites interpreted this place—that a man having a wife should not take another while she lived, which, if it were true, would assist us to solve many difficulties; but there are such strong reasons against it, that I cannot think this to be the meaning." (*Hebrew Republic*, iii., 254.)

And the Bishop of Exeter, in his speech in the House of Lords, 1851, observes: "That in accordance with the ablest Hebrew scholars, he did not set any value upon the marginal reading. In truth, I understand both this verse, and that which immediately precedes it, as recognizing the permission of Polygamy to the Jews, but regulating it by reprobhibition against having two wives who are in a certain degree of propinquity to each other. The 17th verse is manifestly of this kind."

The translation of the 18th verse, in the Douay Bible, is, "beside the other while she is living;" in our own, "in her lifetime."

It is stated that the Seventy, who were all Jews, adopted the same version in their translation of the Hebrew into Greek.* The commentator Scott, and Doddridge, sustain the version of the text. Michaelis is clear in the opinion that it is a restriction of Polygamy, and sanctions the marriage with the sister of a deceased wife.†

We are justified in taking the version in the text to be the true one.

We conclude that the opinion best warranted by authority and agreement is, that the Levitical Prohibitions bind the Christian world: That this obligation of the law of God comprises what is in terms expressly prohibited, and what is so necessarily inferable, as that we cannot recognize the rule without admitting the inference:

* Maskell, "An Inquiry." New York, 1843.

† Art. 116.

That with two exceptions, which have been questioned, the actual prohibitions are settled, definite, and beyond doubt. These exceptions are, a marriage with a brother's wife, and one with a wife's sister :

That as to a marriage with a brother's wife, the Levitical law, by its truest interpretation, condemns it ; that the general action of the Christian Church, for many ages, concurs in such condemnation ; and that it should be recognized by all Christians as unlawful :

That by the strict construction of the law as to a wife's sister, such a marriage is not prohibited, but an implication arises of its legality ; and that the testimony of the Church at different periods is rather in favor of its lawfulness. We may conclude that the point is one within the province of a National Church to determine ; that our Church has not determined it, and it is left to individual conscience for solution.

CHAPTER VIII.

EPISCOPAL AUTHORITY IN POINTS OF RITUAL.

THE situation in which the General Convention of 1871 has left the Ritual question requires a careful consideration of the power of the several Bishops in the matter. We do not speak of that ultimate power of judicial revision which is so far at least restricted, as that no sentence can be pronounced without a conviction for an offence, by a tribunal of a minister's peers. We speak of the authority to regulate matters of Ritual for a Bishop's Diocese, its extent, if it exists, and the consequences of its exercise. The subject is of great importance and no little difficulty.

The action, in 1868 and of 1871, of the General Convention, has been fully stated. (Ante, pp. 49-55.) The Committee of five Bishops recommended, unanimously, that some action be taken to carry out, "in such manner as may secure its observance," the resolution of 1868, that in all *matters doubtful*, reference shall be made to the Ordinary, and no charges shall be made against the godly counsel and judgment of the Bishop.

The Joint Committee of the Houses acted upon this suggestion with decision; introducing into the proposed Canon a provision that the official written determination of the Ordinary, whether of his own motion or on the official demand of a Rector or a Vestry, shall be held to be the settlement of any question which shall arise concerning Ritual, subject to the revision of the House of Bishops, in the manner provided. (Ante, p. 52.)

But the final action of the Convention was only, that the paternal counsel and advice of the Bishops of the Church are deemed sufficient, at this time, to secure the suppression of all that is irregular and unseemly, and to promote

greater uniformity in conducting the public worship of the Church, and in the administration of the Sacraments. (Ante, p. 54.)

This declaration cannot be carried higher (if it can be as high) than the statement made in 1868, of the *opinion* of the Convention, that in matters of doubtful nature the Bishop was to be referred to. But this reference involves, we apprehend, the point that he was to expound and control. We italicize the word *opinion*, because, beyond doubt, the Church has not, in this course of action, by explicit enactment, established such a rule. It is not, however, a consequence that it does not exist. We shall endeavor to present what may tend to settle the question.

The right of framing and directing Liturgical Services, for his own Diocese, was part of the original power of a Bishop. Thus, Van Espen says: "And, indeed, since the different characters and manners of divers nations require different rites and ceremonies in civil and ecclesiastical matters, hence there is a great variety in the rites of Churches. Especially as there is no command concerning these things of Christ or his Apostles, free power was left to the Bishops of judging and determining what should appear most expedient for saving the faith.*

"It is well known that there were divers Liturgies in the Latin Church among different nations.†

"Thus the rites and ceremonies, or Ritual (*Ritualia*), of every Church are to be observed; nor is it allowable for Presbyters, or other Ministers of the Church, by their private authority, to change a prescribed order, even under the pretext that a different rite is more conformable to the primitive rule of the Church. No new ceremonies are to be received in the Churches without the decision of the Bishop.‡

"In the more early ages of the Church every Bishop had the power to form a Liturgy for his own Diocese. Afterwards, the course was, for the whole Province to follow the practice of the Metropolitan Church, which

* Jus. Univ., Vol. I., pp. 411, 412.

† Ibid., XV.

‡ Ibid., XXIV.

also became the general rule of the Church. And this Lynwood acknowledgeth to be the common law of the Church, and intimates that the use of several services in the same Province (as was here in England), was not to be warranted but by long custom.”*

Thus the Liturgy of St. Basil was composed by him when a Presbyter of Cæsarea, by direction of his Bishop.† (See also Bingham’s *Antiq.*, Vol. I., p. 100, and Vol. IV., p. 365.)

This power came to be subjected by Councils to particular regulations. Thus the Council of Laodicea directed that the Psalms should not be sung one after another, but that a Lesson should come between every Psalm. And, at a later period, it was enacted by several Councils, that the same order and uniformity should be observed in all the Churches. That of Adge (506), of Epone (517), of Tours, (567), of Gironne (517), and of Toledo (589), settled the law for the Churches of France and Spain; “obliging all priests to perform Divine Service in the same manner, so that there might be no diversity among them, and that difference might not offend the weak, nor look like schism in the Church.”‡

Directing our attention more particularly to the English Services, we find that the exercise of this Episcopal power had caused great variety throughout the Kingdom. “The custom of a Diocese, in its ceremonial, mode of chanting, arrangements of portions of its Service, became what was termed the *Use* of the particular Diocese. Thus, gradually, the Uses or Customs of York, Sarum, Hereford, Exeter, Lincoln, Bangor, Aberdeen, and doubtless others of which the records have perished, were recognized as defined and established varieties of the Ritual of the English Church. §

The Use of Sarum was set forth by Osmund, Bishop of Salisbury, and Chancellor of England, in 1076, or 1085, as the authorities differ. || His Custom Book, or Ordinal, was

* Gibson’s *Codex*, p. 259.

† Bingham’s *Antiq.*, iv., p. 279.

‡ Bingham, iv., 366.

§ Procter’s *Book of Common Prayer*, p. 3.

|| *Ibid.*, iv. ; Johnson, ii., p. 488.

received by nearly all England, Ireland, and Wales. The different Uses were here reduced to one form, and, no doubt, effected much uniformity, and removed much of diversity throughout the Realm.

Still, as its prevalence depended upon its adoption by the authority of a Diocese, or Province, it left the other Uses in full force, where it was not recognized; and left the power in Diocesan authority to vary it, even when adopted.* It was not until the year 1414, that it was ordained by the Bishop of London, with the assent of the Chapter, that the Service at St. Paul's should be performed according to the Use of Sarum, and that the old form and Rubric called St. Paul's should be laid aside. And yet they retained certain of the old ceremonies of the ancient Use.† And, in 1339, the Bishop of Exeter, in one of his statutes, ordered that the usual Ordinal was to be observed, but, where it did not suffice, recourse was to be had to the Use of Sarum.‡

The Use of Sarum included Services corresponding with our Morning and Evening Prayer, the Communion Office, the Baptismal Service, Confirmation, Marriage, Visitation of the Sick, and Burial of the Dead. In 1541 it was revised, and a new edition published, omitting "the name of the Bishop of Rome, and feigned legends and superstitious oraisons, and names of saints not mentioned in the Scriptures." It was called *Portiforium secundum Usum Sarum, noviter impressum, et a plurimis purgatum mendis*. It was directed to be observed throughout the Province of Canterbury.

Then followed the Revision and Reformation of Rituals and Uses in the reign of Edward, and the adoption of "A Use of the Church of England."

In the first chapter (ante, §§ 18, 19), I have stated at length the whole of these provisions and enactments, Ecclesiastical and Parliamentary, and have shown that the Book of 1549 was an absolute supercession of all prior Uses, a complete and exclusive system of Ritual, leaving

* Maskell, Preface, p. 58.

† Ibid., pp. 69, 70.

‡ Ibid., p. 72.

all that went before without operation or influence, except as interpretative or illustrative.

But it was felt that no body of regulations could cover explicitly every case that might arise, nor be exempt from ambiguity in language, or difficulty in application. This the framers of the Prayer-Book foresaw, and provided for. They met the difficulty by recognizing the principle of Episcopal power, known from the first ages, and never varied, unless by Councils in which Bishops shared; or infringed upon, except by papal usurpations. In the Preface to the First Book of Edward was the following direction:

“And inasmuch as nothing can be so plainly set forth, but doubts may arise in the use and practising of the same—to appease all such diversity (if any arise), and for the resolution of all doubts concerning the manner, how to understand, do, and execute the things contained in this Book, the parties that so doubt or diversely take anything shall always resort to the Bishop of the Diocese, who, by his discretion, shall take order for the quieting and appeasing of the same; so that the same order be not contrary to anything contained in this Book.”

The direction in the Second Book was the same, with the addition that, “if the Bishop of the Diocese be in any doubt, then he may send for the resolution thereof to the Archbishop.” The Book of Elizabeth, and that of Charles II., had the same provision as that of 1552.

This clause is not contained in the preface to our own Book. We do not think that such omission has superseded the rule.

The English Preface does not *constitute* the Bishop the arbiter. It recognizes him as such, a distinction clearly stated by Sir Robert Phillimore in the opinion hereafter noticed. Now, this could be only because of the original Episcopal power not being in such cases restricted specially. Such an argument is as forcible in our Church as in the English. Such original authority has been greatly limited by legislation, concurred in by the Bishops. But in points

not within such legislation, or where it is doubtful whether they are within it, the original authority continues.

Again, the Deacon or Priest, upon his ordination, declares that he will reverently obey his Bishop and other chief Ministers, etc., following with a glad mind and will, their godly admonitions, and submitting to their godly judgments."

The term godly here used is not in the sense of holiness in the person or the subject. It is what relates to religion and its rites. In the English Preface the term is applied to the order of Divine Service: "But this many years passed, this godly and decent Order of the Ancient Fathers hath been so altered," etc.

Thus, after much consideration, we conclude, that this Ordination vow is a recognition of but may not be carried further than the principle and rule of the English Preface; and that such principle and rule prevails in our Church.

In regard to the English provision, there was actually a position taken by extreme Ritualists that it was inapplicable, because they had no doubts as to their practices. The sense is, that any one affected by the practice may apply to the Ordinary. The Churchwardens had the right, and were bound to submit any irregularity of the Minister in conducting divine service or otherwise (1 Lee's Rep., 129). The case of Bennet *vs.* Banaher (2 Hagg's Rep., 25) is a decisive example. The power to accuse when they do not doubt, involves that of submitting when they do. Sir Robert Phillimore notices that the word parties is used, not minister. Mr. Pinnock, a learned writer, not unfavorable to the Ritualists, observes, that even where officiating Ministers and Churchwardens are of one mind, dissenting parishioners can invite the legal interference of the Bishop.* In short, any one connected with the particular Minister, a parishioner, who takes anything diversely, is a party within the sense of the provision.

I proceed to cite some leading authorities explanatory of the English Provision. Bishop Mant observes:† "But some

* Law of the Rubric, p. 111.

† On the Rubrics, p. 105.

directions of the Church are doubtful, and different interpretations are entertained concerning them : so that hence arises another difficulty in the attainment of uniformity in our celebration of divine worship. To this, however, an answer and a remedy are provided by the Church's reference to the Bishop of the Diocese, who shall take order for quieting the same, so that the same order be not contrary to anything contained in this book ; a condition which, while the power of decision is lodged with the Diocesan, precludes him from deciding, as other provisions preclude the officiating clergy and people from acting, in any manner contrary to the Liturgy of the Church."

Archdeacon Sharpe says : " In all points where the Rubrics are plain and express, the Ordinary has no authority to release us from obedience, as appears from the Preface concerning the Service of the Church ; in which, although the Ordinary is allowed to interpret and determine the sense of the Rubric for us in all doubtful cases, yet it is with the proviso, that he shall not order or determine anything contrary to what is contained in the Service Book : that is, in points that are clearly expressed, the Ordinary is as much prohibited from making innovations as the lowest parochial Minister among us."

" There are no instances to be given in the whole Common Prayer-Book where custom must be allowed to be a good interpretation of Rubrics, except in those cases I just now mentioned, where the Ordinary has a dispensing power lodged with him."

Again, he classes the Rubrics thus :

1. Such as are defective or not sufficiently clear and express.
2. Such as require to be understood with limitations, or at least will fairly admit of them.
3. Such as leave a discretionary power with the officiating Minister.
4. Such as leave a discretionary power only with the Ordinary.
5. Such as are plain and positive, neither admitting limita-

tions nor the discretion of either the officiating Minister or the Ordinary. Of this last sort are much the greater number.

In discussing the third class, he has the following sound and striking passage: "Whereas there are liberties too often taken by some under the notion of a discretionary power, which are not justifiable, as adding to the public service more than is required . . . so the same may be said, *vice versa*, of omissions or passing over any parts of the public offices. We would do well to remember, *that whatever liberties the Rubrics do not formally allow us, they do virtually forbid us*; at least we may not venture upon them on our own judgments, or without the concurrence of our Ordinary, to whose discretion a greater latitude is given in all cases where the Rubrics themselves seem not to be a sufficient directory."

And, under the fourth head, The Discretion of the Ordinary, he states two propositions.

What is plainly enjoined or forbidden the Ordinary may not dispense with or allow. Those rules which are clear and plain must be the Ordinary's directions as well as ours. "So long as he acts within these limits, his resolution of doubts and his decisions, how to understand and execute the Rubrics, will be our proper warrant."

We would ask particular attention to the statements of Sir Robert Phillimore, in his judgment in the *Machonochie* case. Under the head "Of the General Principles of the Construction of Rubrics," he says: "It has been argued, on the one side, that the legal effect of express directions in the Rubrics is to shut out every rite, ceremony, utensil, or ornament which is not the subject of such express provision, or, by necessary implication, directly subsidiary to it. It has been argued, on the other side, that every ancient Catholic rite, ceremony, utensil, or ornament, which is not the subject of an express prohibition, is lawful. I am not disposed to assent to either of these propositions in their full latitude.

"I believe the following rules to be well founded in principle, reason, and law, namely: 1. That what is expressly

prohibited is prohibited altogether, and may not be evaded by any contrivance which, under a different name or appearance, attains the same end. 2. That whatever is expressly ordered may not be evaded by an illusory or partial compliance. 3. That whatever is subsidiary to what is ordered, and is in itself decent and proper, in accordance with primitive and Catholic use, and not, by any fair construction, necessarily connected with these Roman novelties, which the Church 'cut away and clean rejected at the Reformation,' is, under restrictions to be mentioned, lawful."

There are, in other words, three categories of these things :

1. Things lawful and ordered.
2. Things unlawful and prohibited.
3. Things neither ordered nor prohibited expressly nor by implication ; but the doing or use of which must be governed by the living discretion of some person in authority.

"I wish to say a word upon this last category.

"The compilers of our Prayer-Book, and the Legislature which clothed it with the authority of a statute, were aware that a living discretion was necessary for the government of the Church in the performance of her Divine Service, as well as in the due discharge of her other functions." The clause of the Preface is then quoted.

"It is important to notice the nature and character of the remedy proposed. It was one in perfect accordance with the principles upon which the order and discipline of the Church had, in obedience to the will of Christ, been founded by his Apostles ; a principle which recognized the Apostolical order of Bishops as necessary for the due constitution of a Church, and in perfect accordance with the great principle of the Reformation of the Church of England, that a duly consecrated Bishop had a divine authority, perfect and complete in itself, and wholly independent of the Pope."

He then quotes the direction at length, and adds : "Was there any limitation of this authority? One only. It appears that his order shall not be contrary to anything

contained in this Book; leaving, therefore, within the domain of his authority that third category to which I have referred, viz., things neither ordered nor prohibited expressly, nor by implication."

A few examples may illustrate these principles. In *Liddell vs. Westerton*, it was strongly urged, that the material of the Holy Table was matter of discretion, not of law. Sir Herbert Fust decided it was of law. The opinion of the Judicial Committee stated that their Lordships had at first some doubt whether the law had prescribed of what material the Table should be made, but had become satisfied with the opinion of Sir Herbert Fust.

In the same case, it was held to be matter of law that the Holy Table might be covered with cloths of various colors (at other times than during the Communion), but whether they were suitable or not, was in the discretion of the Ordinary.

This last example illustrates the distinction well. The Courts held that during Communion, no cloth could be upon the Holy Table but a plain whitelinen one. They condemned a cloth embroidered with lace. The 82d Canon of 1603, directing that during Divine Service, other than the Communion, the Table should be covered with a carpet of silk or other decent stuff thought meet by the Ordinary of the place, if any question be made, "did not imply that it should always be covered with the same cloth, or with one of the same color or texture." As matter of law, changes, such as black cloths in Lent, were not illegal. What was or was not suitable must be left to the discretion of the Ordinary.

A practical question of great importance and nicety arises from the foregoing considerations. Suppose a case of alleged illegality or irregularity is brought to the notice of a Bishop, and he, deeming the act or neglect unjustifiable, admonishes the party to correct his course, who refuses to obey. Upon a presentment, it would be good pleading to charge first the absolute illegality of the act or omission, and next the admonition and disobedience.*

* Hoffman's Law of the Church, p. 403.

If upon such a presentment the Court should hold the matter to be illegal or legal, the condemnation or acquittal would follow on that ground simply. But suppose the Court holds that it is a matter of reasonable doubt whether under the first charge there has been an ecclesiastical offence: could it condemn, on the second ground, viz., for disobedience of the monition?

To test the point more closely. A case occurred in Ohio, in which the Bishop admonished a Minister to desist from the use of what was termed a processional, at the commencement of Morning Prayer. He deemed it a part of the Office which was expressly to begin with the sentences. After a careful examination of the subject, we thought, with deference, that the Bishop was wrong. It was before the beginning of the service, answering to the Invitatory Hymn of some Liturgies. Certainly, here was a case in which many just and enlightened minds might conclude the point to be a doubtful one. If so, and the question was properly raised, must they condemn because the Bishop has judged the matter unlawful, and forbade it?

It may be strongly urged that a Minister is not to be convicted and sentenced, unless a violation of a known law is clearly established. That the act was forbidden must as clearly be made out, as that it was proven to have taken place. He has not broken a law, while it is uncertain whether his case is within it; and there is another argument of weight. The Bishop has officially, and before a trial, ruled upon the point, and the triers meet under all the influence such a decision must possess. This argument, from ill consequences, is not, however, sufficient to disprove the existence of such a rule as claimed.

On the other side, the question is: Has the Minister brought himself, upon his ordination, within any other law or rule, which renders him liable to censure for offences other than such as are plainly shown to be violation of Constitution, Canons, or Rubrics?

By the law universal of the Catholic Church, the Bishop is his lawful Governor, except where his power has been

limited.* By the vow on ordination he binds himself to obey the godly judgments of such Bishop. The interpretation of this in the English Church, and warranted in our own, is that, at any rate, in matters of an unsettled, uncertain nature, his decision is to form the rule. The statement of Bishop Mant distinctly involves this result. After quoting the Preface as to referring doubtful matters to the Ordinary, he says: "The duty of compliance with the Ordinary's judgment is necessarily involved in this reference, for otherwise the reference would be idle and nugatory altogether. But compliance is, moreover, expressly bound upon you by your general promise at your several ordinations, for you plight your faith that you will, the Lord being your helper, reverently obey your Ordinary, following with a glad mind and will his godly admonitions, and submitting yourselves to his godly judgments." (On the Rubrics, p. 177.)

We cannot see how to avoid the conclusion upon this difficult question, that in the case presented the Minister would be subject to conviction and punishment.

Connected with this subject, and the last point to be noticed, is the question, What is the effect of an opinion or resolution of the House of Bishops upon matters of this nature?

We apprehend that a serious error prevails upon it.

Thus a correspondent of *The Church Journal* of August 4, 1869, treats the power of a Bishop as very slight, where not conferred by express legislation, and speaks of a large power as existing in a Synod of Bishops. Another writer in the same paper attributes the force of law to a resolution of the House of Bishops of 1832. And in the admirable paper adopted by the Diocese of Wisconsin in 1869, a similar effect is apparently given to an Exposition by the House of Bishops.

Now supposing that Dr. Pusey† and others are right in

* *Episcopi tuo noli resistere, et quod facit ipse, sine ullo scrupulo vel disceptatione sectare.* (St. Augustine, Ep. xxvi., ad Casul).

† Royal Supremacy.

holding, that originally Provincial Synods were composed of Bishops only, and such as they chose to add—we deny his conclusion that Bishops broke the Apostolic pattern when they called the clergy and laity to share in legislation for the Church. We proceed now upon the theory that this was a voluntary concession. Indeed, we believe it could not have been anything else. It seems to flow unavoidably from the truth of Episcopacy.

Upon any theory, the matter is definitely settled in our Church. Neither the House of Bishops, nor the Bishops collectively, nor any number of them as a body, have any legislative or judicial authority of any kind except as conferred or recognized by the Constitution and Canons.

As to legislation, we presume no one questions this. It is equally true of judicial authority. No direct authority is given them except in the case of a trial of a Bishop, and the recognition of the power to revise judgments, and declare sentences within their respective Dioceses or Territories.

Judicial Exposition can only be made in the Courts established by law to hear cases, or by the Bishop of the particular Diocese under his power of Revision. The sphere in which it is absolutely obligatory is therefore limited; and it is found nowhere else, except upon a trial of a Bishop. A resolution of the House of Bishops, declaring something to be the law of the Church, or interpreting a Rubric or Canon, would be similar to what is known as a Declaratory Statute, an act of Legislative power in reality, and manifestly beyond the authority of that House to render binding.

Our annals will prove the truth of this proposition.

At first, in 1789, the Bishops, whenever a General Convention was held, formed a House of Revision. An Act of the Convention was sent to them for concurrence. If negatived or non-concurred in, and three-fifths of the Convention adhered, it became a law. In September, 1789, this was altered so as to give a concurrent power to originate Acts, with a negative, which could still be overruled by three-fifths of the Convention. Under this system

Bishop Seabury came into Union. It must have been a strong pressure which could have induced so able and steady a Churchman to accede to a system where legislation *could* exist without the assent of Bishops. We may well suppose that he looked forward to the change which was effected in 1808, when an absolute veto was given to the House of Bishops. That House, then, as an aggregate Body, is purely the creation of Constitution and Canons, framed or in force with the assent of each Bishop individually, express or implied. It has powers specifically designated, and none other. It has no more right to announce or expound a law authoritatively than to pass one alone.

In 1801 Bishop Provoost resigned his Episcopal jurisdiction of New York. The House of Bishops declared that it was inconsistent with the trust committed to them, to recognize this act of the Bishop as an effectual resignation. It was not consistent with ecclesiastical order, or the practice of the Church, or the tenor of the Consecration Office. The Convention of New York had accepted the resignation, and proceeded to the election of Dr. Moore as Bishop. In 1812 Bishop Provoost addressed a letter to the Convention of New York, in which he referred to the proceedings of the House of Bishops, and claimed to be still the Diocesan. The Convention resolved that the Bishop of New York might resign his jurisdiction, though the spiritual character or order was indelible; that Bishop Provoost did resign his jurisdiction; that such resignation was accepted; and that the election of Dr. Moore was valid. The Convention of New York thus held that what the House of Bishops deemed unlawful, was lawful; and subsequently, in the case of Bishop Chase, it was concluded that the Convention was right; and a Canon was passed to regulate such resignations. (Hawks' Constitution and Canons, p. 295.)

Again, the proceedings upon what is known as the Muhlenberg Memorial, are instructive. The report of the Committee of the House of Bishops is to be found at page 339 of the Journal of 1856, and ended with resolutions, among which, as ultimately adopted, were the following :

1. The Order of Morning Prayer, the Litany, and the Communion Service being separate Offices, may, as in former times, be used separately, under the advice of the Bishop of the Diocese.

2. That on special occasions, or at extraordinary services not otherwise provided for, Ministers may, at their discretion, use such parts of the Common Prayer and such Lessons of Holy Scripture as shall, in their judgment, most tend to edification.

3. The third resolution authorized the Bishops to provide special Services to meet the spiritual wants of portions of the population within their Dioceses, provided they should not take the place of the Services or Offices of the Book of Common Prayer in congregations capable of its use.

Bishop Whittingham had moved to throw the second resolution into the form of a Canon. He, with Bishop Upfold, submitted a protest against the action of the House.

In the House of Clerical and Lay Deputies (see page 115 of the Journal), the Committee on Canons reported upon a series of resolutions, which had been referred to them, of the same import. The report was adverse to any change, and the Committee was discharged.

In 1859 the subject was much discussed. See the resolution at page 55 (of the Journal), the report of the Special Committee at page 72, and the resolution ultimately adopted at page 100.

That resolution recited, that the preamble and resolutions of the Bishops had disturbed the uniformity of worship, and had been received in many parishes as lawful authority for deviating from the Rubric. Also that no such change could lawfully be made except by the action of the Houses in General Convention, made known to the several Dioceses, and adopted in the manner prescribed by the Constitution of the Church. And thereupon it was

Resolved, "That the House of Bishops is hereby respectfully requested to reconsider such Preamble and Resolutions, and to send down to this House such proposals for

any change of worship as it may deem expedient, to be acted upon in the manner required by the Constitution of the Church for making alterations in the Book of Common Prayer."

This the Committee reported. The Resolution finally adopted was as follows :

"Whereas the Preamble and Resolutions adopted by the House of Bishops on the 18th day of the last session of the General Convention in relation to the use of the Book of Common Prayer, have disturbed the minds of many in our Church, creating doubts both as to the effect of such Preamble and Resolutions and the constitutionality of the mode in which they were adopted and published ; therefore

"*Resolved*, That the House of Bishops is hereby respectfully requested to reconsider the Preamble and Resolutions, and to throw the subject-matter into such shape as will admit of the joint action of both Houses of this Convention."

Thirty-one Dioceses were represented by the Clergy, of which twenty-one voted for the Resolution, and nine against it. One was divided. Twenty-one Dioceses were represented by laity. Fifteen voted in favor, and six against it.

The House of Bishops resolved that they were not prepared at the very late hour of the session to take any action which may seem to involve the reconsideration of their former action.

The report of the Committee of the House of Deputies stated the Resolutions of the Bishops to be in fact a declarative statute, an interpretation of the intent and meaning of a Ritual and Rubrics by one branch of a Legislative Body. In a minority report, signed by one member, it was contended that the Bishops in Synod could do this.

There have been several cases in which the House of Deputies has requested the House of Bishops to give an exposition of a Rubric, or their opinion as to forms, postures, etc., used in the Services. Such in 1835 was the opinion given as to the people *uniting with the minister* in saying

the General Confession in Morning and Evening Prayer as usually practised in saying the Creed and Lord's Prayer, and also as to the cases in which the Minister should unite with the people in saying the *Amen*.

So in 1832 the House of Deputies requested the Bishops to express their opinion as to the proper postures during the Communion Office, before noticed, as to the posture of the celebrant, and their conclusions have regulated the postures, we believe, ever since. We have shown that it was not intended to direct the standing of the celebrant when receiving. And one other case may be usefully referred to. In 1865 the House of Deputies requested the House of Bishops to express their opinion as to the proper posture to be observed by both Minister and people during the ministration of the Sacrament of Baptism and the Rite of Confirmation. (Journal, p. 100.)

This was referred to the Committee on the Prayer-Book, which reported certain rules as consistent with the Rubric, and sustained by a widely-spread usage. But the House of Bishops resolved "That this House decline to express their opinion in regard to the proper postures during Baptism and Confirmation, on the ground that they deem it best that the Bishops of the several Dioceses should give directions each in his own Diocese in reference to the subject." (Page 199.)

There have also been cases in which the Bishops have suggested to the other House their views upon certain Rubrics. Such was the case in 1821 in relation to the Rubric at the end of the Communion Office, and holding that the Ante-Communion was to be used on all occasions of Sermon or Communion. (See Bishop Brownell's Book of Common Prayer, p. 395.) The House of Deputies in 1826 had declared a similar opinion. (Bishop White's Memoirs, 52, 245, 378.)

And sometimes the House of Bishops and House of Deputies have concurred in an exposition of a Rubric, or in a recommendation of a course of uniformity. This occurred in 1814, as to the posture in singing the Psalms or Hymns.

So the Joint Committee on the Prayer-Book, 1841, declared, when the *Amen* was to be pronounced by the Minister and people together.

The resolve of the House of Bishops in 1832 in regard to the posture of the celebrant during Communion has no legal obligation, if it covered the case, that he is to do so standing. But it is manifest that it was not so considered. Bishop Brownell, the Bishops Onderdonk, and every Bishop, we believe, subsequently received kneeling. The Rev. Wm. Cooper Mead, D.D., who was in the House at the time, states that it was never imagined to contain such a direction. What has been utterly, uniformly disregarded, could not have been intended.

Some important points are involved in, or may be deduced from, these precedents.

1. If both Houses concur in an exposition of a Rubric, or declaration of a Rule, it might seem that this would be authoritative and binding. But even this may not be unconditionally granted. Certainly, as to previous cases, it could not relieve a Court from settling of itself what was the actual law. Respect to it, as an authority, would be due, but not submission, without examination or conviction.

And, even as to subsequent cases, the position that it is equivalent to a declaratory statute, is not absolutely clear. Such a statute is always an enacting statute.* Undoubtedly it is the expression of the sense of the law-making power that such was the law at the time, but it makes the law for the future. Yet here the whole law-making power declare what is the law, and hence what it must be until altered. This is done by a joint Resolution instead of the regular course of a Canon. The better conclusion, upon the whole, seems to be that, for future cases, this is obligatory. The form of a Canon is not of the essence of the edict.

2. Next, it may be conceded that, when the House of Deputies have formally requested a construction of a

* See the two cases cited by Chennell ; Kent's Comm., Vol. II., p. 24.

Rubric or the declaration of an observance, the request is equivalent to an actual concurrence in what the Bishops do. The authority may be treated as transferred, and the action virtually ratified.

3. But the uninvited, unratified act or exposition of the House of Bishops, is of no more absolute authority than that of the House of Deputies. It may be entitled to more deference, to great respect as the judgment of men in high position, of large experience, and trained in the consideration of the subjects. It cannot be carried beyond this.

Thus, in conclusion, we have for our guidance and the light of our path, rubrical and canonical provisions, covering and determining the great mass of Ritualistic observances. We have the expositions of the learned Bishops and Doctors of the English Church, and the decisions of English tribunals, upon provisions identical or similar. We have a fountain of explanation in united declarations of both Houses in Convention. And when all these are silent or indistinct—when novel questions arise, where the written law has no chart, and these sources of construction yield no solution, we have the Domestic Forum of the Church to resort to, the primitive, residuary power of the Bishop.

It may be said that this leaves great authority to the Bishop. It does so. But that authority is restricted precisely as a Minister observes the rites, orders, and ceremonies prescribed in the Book of Common Prayer, without any omission or alteration. If he does this he follows a law as absolutely binding upon the Bishop as upon himself. And that authority, which after all must exist in some cases, is placed where the Apostles placed the government; where the Church in its first and purest ages allowed it; where what has not been surrendered or modified remains untouched; and where the most solemn vows of a Minister admit and declare it to reside. And we may confidently predict that cases dependent upon this rule will rarely arise. The points will ordinarily be of minor importance where submission involves no serious test, and in most cases

where there is a trial, the Court will decide upon its judgment of what is actual law.

We humbly trust, that what we have now submitted to the Church may aid in removing some difficulties and obscurities as to our Ritual Law. But far more should we be thankful and gladdened if we have brought others to our own deep conviction, that our Church, in Holy Brotherhood with all of Anglican descent, is as pure and faithful in her Ritual law and observances, as she is in the faith avowed by the Primitive Church. So that it is true now, what St. Cyprian, over sixteen hundred years ago, spoke of that Church: "In her bosom we were born; our growth is owing to the food she administers; and the same Spirit quickens us which enlivened her."

INDEX.

	PAGE		PAGE
A.		ARTICLES.	
ABSOLUTION.		The details of the variations and resemblances.....	317-322
In the Communion Office.....	96	Identity in nearly every material doctrine.....	322
In Ancient English Formularies.....	96	Their general character and object... ..	322
In Order of 1548 and the Consultations.....	96	Views of Sir Wm. Scott, Bishop Pearson, Bishop Tomline, Oxford Tracts, Rev. Dr. F. Jarvis, Bishop of Exeter, Reformatio Legum. 323-326	
ALMS.		Conformity to Confession of Augsburg.....	325
Rubric as to collecting.....	82	Scheme to make them the paramount standard of doctrine defeated.....	326
Poor man's box of 1549.....	82	Opposition to Romish dogmas.....	327
Offerings and devotions of the people.....	86	Remarkable passage from Oxford Tracts.....	327
Division of.....	86, 132	Fourteen errors of Rome denounced. 327	
ALTAR. See Holy Table.		All opposed to statements of Articles.....	328
ARTICLES.		In what sense opposed to decrees of Trent.....	329
Prefatory remarks.....	299	Their alleged Calvinistic character... ..	329
English Articles. Historical notices..	300	The high Calvinistic party dissatisfied.....	329
Before the reign of Henry VIII.....	300	Attempt to force the Lambeth Articles.....	329
Articles of 1536.....	300	Comparison of with Canons of Synod of Dort.....	330
The Thirteen in connection with Lutheran reformers.....	301	The marked distinction as to predestination.....	331
Articles of 1539.....	301	General accordance with Lutheran rather than Calvinistic views.....	332
" 1552.....	302	The formulæ and effect of Subscription.....	333
Cotemporaneous documents.....	304	To be subscribed unconditionally and in natural and grammatical sense.....	334
Reformatio Legum Catechism.....	304	Not in sense given by private judgment.....	335
Articles of 1559.....	305	Must be <i>ex animo</i> , with assent.....	335
Those of 1562.....	306	The judgment of the Bishop of Exeter.....	336
Proposed Act of 1566 ratifying them..	306		
Misrepresentation of Mr. Froude....	307		
Articles of 1571.....	307		
The authenticity of copies.....	307		
Clause as to the authority of the Church.....	308		
Our own Article definite.....	309		
Construction of Section 1, Act of Elizabeth ..	309		
Course of American Church upon ...	310		
Before 1789.....	310		
In 1789, 1792, 1799.....	310		
Articles of 1801.....	312		
Of binding obligation.....	313-316		
Comparison of those of 1552 with those of 1801	316		

ARTICLES.	PAGE	BAPTISM.	PAGE
To be treated as part of the doctrinal system and weighed with other formularies.....	333	The Chrism and Unction.....	217
Subscription as binding as in the English Church.....	339	In Book of 1549, omitted since	217
General rules of interpretation.....	340	The making the sign of the Cross.....	218
Opinions of Judges and writers..	340-344	Vindication of in Canon of 1683.....	219
The Prayer-Book and Offices superior as tests, if any inequality.....	344	Discretionary by our Rubric.....	219
Unquestionable at least, that all are to be compared upon a point of doctrine.....	345	The declaration and thanksgiving.....	219
		The exhortation to Sponsors.....	220
		English Rubrics omitted.....	221
		Private baptism.....	222
		Meaning of term, Lawful Minister	224
		Use of the public form improper	224
		Duty of minister to baptize.....	225
		Inquiry as to mode of baptism.....	225
		Conditional baptism.....	227
		Private baptism tolerated only	228
		Allowed in great necessity or peril... ..	228
		Must be by a minister of the Church.....	229
		Not by a layman of the Church.....	229
		Effect and efficacy of upon infants... ..	230
		Union of Water and the Spirit.....	234
		Tenets of other Churches, etc.	240
		Lutheran and Angsburg confession..	241
		Calvin Council of Charenton... ..	242
		Synod of Dort, etc., Presbyterian Church.....	243
		The Gorham case stated and examined.....	245-251
		Baptism extended to infants other than of members.....	251
		In relation to unbaptized infants.....	251
		The question as to lay baptism.....	254
		In early Churches.....	254
		Progress of the question in the Anglican Church.....	254
		The authority of writers.....	257
		Decisions of the English Courts.....	257
		Martin vs. Escott; one baptized by a dissenting minister entitled to the burial office.....	257
		Conclusions: by laymen of the Church unlawful.....	259
		Advisability of the Re-baptism.....	259
		Sin after baptism.....	260
		Doctrine of the Church.....	261
		BLESSING AT CLOSE OF COMMUNION.....	122
		In Office of 1549.....	123
		In Eastern Liturgies.....	123
		BOOK OF COMMON PRAYER.	
		First Book of Edward VI., Preparation.....	13
		By whom framed	14
		Ratified by Convocation.....	14
		Adopted and Enforced by Statute, 1549	14
		Second Book of Edward VI., 1552.....	18
		Statute respecting.....	18
		Ratified by Convocation.....	19

B.

BAPTISM.

Historical notices, English.....	192
Formularies A.D. 693-1538	192-195
Catechism of Cranmer, 1548.....	196
The Homily of, 1549.....	196
The Reformatio Legum.....	197
Catechism of 1549.....	197
Article of 1552.....	197
Days for ministering.....	198
Presence of congregation.....	198
Injunctions for Rite in Churches.....	198
Sponsors, number of.....	200
Canon of 1603 as to Parents.....	201
Now permitted.....	201
Notice to minister.....	202
Minister bound to baptize.....	202
Other children than those of members	202
When performed.....	203
The font, when filled	204
Separate baptisteries.....	204
Superseded when immersion disused.....	204
Font to be of stone.....	204
Consecration of fonts.....	205
Prayer for sanctification of the water.....	205
Question as to prior baptism.....	206
Re-baptism condemned	206
Questions in Book of 1549.....	207
Address.....	207
Prayer for sanctification.....	208
The alternative prayer.....	208
Rubric as to the Gospel.....	209
Exhortation and thanksgiving.....	210
Address to Sponsors.....	211
Questions to Sponsors.....	212
“ in Books of 1549 and 1552..	212
The petitions.....	213
Mode of performance and the words..	214
Immersion and affusion.....	214
Trine affusion.....	215
Authorities as to.....	215
Responsive Amen in Eastern offices..	216

PAGE	PAGE
BOOK OF COMMON PRAYER.	CANONS OF 1603.
Statutes as to, repealed by Act of Mary..... 23	Force of Act of Submission—Hy. VI. I. 346
Statute of Uniformity, 1 Eliz., 1559 .. 23	Reluctance of Convocation..... 346
Restored the Second Book with alterations..... 25	The force of the Canons bind the Clergy but not the Laity..... 347
All sanctioned by Convocation, 1603. 25	Intent of this rule..... 347
Restored substantially the Book of 1549 26	Many of the Canons obsolete..... 348
Suggested Alterations in 1603..... 27	Influence in American Church..... 348
Repealing Act of Mary repealed... 28	Action in 1871..... 348
License of Charles II., to revise. 28	Principles governing their effect.... 349
Progress of revision in convocation.. 28	Statement of what are wholly inoperative or inapplicable..... 350
Act of Uniformity, 13 Charles II., 1662 29	But six properly bearing upon Ritual examination of these..... 351
Recital of Book of 1559 being adopted, and a few changes now made.. 29	Canon 18 stated and discussed..... 352
Thus to be used by ministers..... 30	Canon 30—Use of the cross..... 353
Prohibition of any other Form..... 30	Canon 99—Forbidden degrees of marriage..... 355
Statute of 5 Anne, 1706, recognizing the Act of Elizabeth and Charles II. 31	English statutes as to..... 356
Book of 1549 formed a complete system, superseding all prior Uses.... 32	Colonial and State statutes..... 357
Omission in this was prohibition..... 33	Action of general convention 1838, 1841 359
This exclusiveness not applicable to the other Books..... 33	Seventh Article, as to the moral law. 359
The First Book in force except as revised..... 34	Authorities as to..... 360-365
Action of Church in America, 1785. 38	Conclusions as to brother's wife and wife's sister..... 366
The proposed Book..... 38	CEREMONIES, MEANING OF TERMS..... 1
Distinction of alterations, political and Liturgical..... 39	CHURCH OF ENGLAND.
The action of the separate conventions as to..... 40	Falsely termed a Parliamentary Religion..... 35
Action of 1789 in general convention. 42	Every essential point the act of the Church..... 35
Principle of revision and continuity observed..... 42-47	Established in the Colonies..... 35
BOWING TO THE ALTAR. 154	Recognized as same as Protestant Episcopal Church..... 36, etc.
Distinct form, the reverence on entering..... 154	Action from 1776 to 1785..... 36
Directions in Eastern Liturgies..... 155	Of 1785, proposed Book..... 38
“ in the Roman Office..... 155	Of 1789, 1814, and authorities..... 42
“ in Use of Sarum..... 155	COLLECT IN THE COMMUNION OFFICE.. 81
Omitted in 1549 and since, and unlawful..... 156	For the day..... 81
Authorities and Canons of 1640 examined..... 157	Collects in Communion Office..... 123
BREAD, WHAT USED IN THE COMMUNION. 129	COLONIAL CHURCH. See Church of England
Common use in early church..... 129	COMFORTABLE WORDS IN COMMUNION OFFICE..... 97
Origin of the use of wafers..... 130	Derived from Hermann's Consultations 97
The question as to leavened or unleavened..... 130	COMMANDMENTS. The Ten, in Communion Office..... 80
Common bread in English Church.... 131	COMMUNION.
BREAD AND WINE, BY WHOM PROVIDED. 131	Resolution of 1547 as to..... 11
Disposition of Remnants..... 124	Act for reception in both kinds..... 11
	Order of the Communion, 1548..... 13
	Comparative table of the Order in Books of 1549 (1st), 1552, 1662, 1789. 57
	Communicants, number of..... 126
	Frequency of..... 127
	Both solitary and private Masses condemned..... 128
C.	
CANONS OF 1603. 346	

	PAGE		PAGE
COMMUNION.		DISMISSAL OF NON-COMMUNICANTS.	
Anciently celebrated on the Lord's Day	128	Custom to dismiss after Prayer for the	
Custom of monthly communion...	129	Church Militant.....	142
And see the tables Confession. Consecration, Credence, Creed, Devotions of the people, Delivery of the Elements, Dismissal of Non-communicants, Elements, Elevation, Epistle, Evil Doers, Exhortation, Gloria, Gospel, Holy Table, Placing lights on the Altar, Material, Minister, Marginal Rubrics, Mixture, Number necessary, Oblations, Offerings, Offertory, Ordering, Posture on Reception, Prayer for Church Militant, Prayer of Access, Prefaces, <i>Sursum Corda deo Sanctus</i> , Thanksgiving, Words of Delivery.		And with the Lesser Benediction....	143
CONFESSION. The General, in Communion Office.....			
	95	E.	
By a communicant in name of all in English Books before 1662.....	95	ELEMENTS, THE.	
Objected by Presbyterian Divines....	95	To be placed on the Table by the	
CONSECRATION.		Priest.....	87
Position in the Office. See Ordering.		Disposition of what remains.....	124
Kneeling or Genuflection during, forbidden.....	108	Practice in the early Church.....	125
The Consecration Prayer.....	108	Carried to the sick, etc.....	125
Precludes Oblation and Invocation of Book of 1549, and Scottish Book....	110	In some cases burnt.....	126
The Concordat of Scottish Bishops and Bishop Seabury.....	110	ELEVATION OF THE ELEMENTS,	
Letter of Bishop Seabury to Bishop White.....	111	English decisions upon.....	166
Invocation in ancient Liturgies.....	112	Condemned with a slighter option...	167
Further Consecration of Elements...	119	Directions in Eastern Churches	167
Our Form preferable to the English..	119	Generally not for adoration.....	168
COVERING THE REMNANTS OF THE ELEMENTS.		The Romish Church unknown before the Eleventh Century....	168
	120	Pain because the Elements are annihilated.....	169
The Corporal of Old Books.....	120	Adoration in Sarum Use to God.....	169
CREDENCE TABLE. Lawful...		And in other Formularies.....	170
	89	Decree of Council of Trent.....	170
CREED.		Forbidden in Book of 1549.....	171
Apostles' or Nicene, read in Communion.....	82	Remains in force, though afterward omitted.....	172
What in other Liturgies.....	82	Forbidden by an Article.....	172
D.		Exhortation of such Article.....	172
DEVOTIONS OF THE PEOPLE. Meaning of		The course of Bishop Wren.....	174
	86	Undoubtedly illegal.....	174
DELIVERY OF THE ELEMENTS.		EPISTLE IN COMMUNION OFFICE.	
Words used upon.....	118		81
By Ministers on reception.....	118	Rubric in Book of 1549.	81
DISMISSAL OF NON-COMMUNICANTS.		By whom read.....	82
Custom of the early Church.....	138	EPISCOPAL AUTHORITY IN RITUAL.	
Rule in Book of 1549.....	139		367
Forbidden to leave by Romish Canons	139	Left in force by Convention of 1871..	367
To depart, in Book of 1552.....	140	The nature and extent of.....	368
		Restrictions upon.....	369
		In England by Uses and the Prayer-Book.....	369
		The provision in Book of 1549, referring matters doubtful to Ordinary..	371
		A recognition of power not its creation	371
		Similar rule in our Church	372
		Authorities in explanation	372-376
		Question as to a presentment for disobeying an admonition.....	376
		Force of a Resolution of the House of Bishops upon Ritual.....	378
		Of a joint Resolution.....	384
		EVIL LIVERS. ENEMIES.	
		Rubric as to in Communion Office..	60, 61
		Canon of 1603 and of American Church.....	61
		Communion not to be denied without cause.....	62

	PAGE		PAGE
EVIL LIVERS. ENEMIES.		I.	
Ancient Rule as to repelling.....	62	INCENSE. Of two kinds, persons and	
Provisions as to course on repelling..	63	things generally.....	150
Cases within the Rubric and Canons.	64	Both condemned practically.....	151
Previous Admonition proper.....	65	Not practised in early Church.....	151
Canons as to excommunication ipso		Introduced in the middle ages.....	151
facto.....	65	History of the practice in Eastern	
Richard Baxter's case.....	65	Church.....	152
Opinions of Taylor and Hooker.....	66	In England.....	153
Action of the Dean of Westminster.	67	All directions omitted in Book of	
Meaning of Rubric in Confirmation		1549.....	153
Office.....	67	Unlawful in our Church.....	154
Conclusions suggested.....	68	INJUNCTIONS OF 1547 ...	7
EXHORTATION.		Their force and effect.....	7
The first in the Communion Office...	58	INVITATION IN COMMUNION OFFICE ...	94
Comparison with that in other Books	58	The time for approaching the Altar..	94
The Second Exhortation.....	60	Kneeling at, the posture of the peo-	
Exhortation at the Communion.....	93	ple.....	95
G.		K.	
GLORIA IN EXCELSIS IN COMMUNION ...	122	KNEELING.	
Older than the fourth century.....	122	When the posture of the people.....	79
Called the Angelical Hymn.....	122	At Reception of Elements.....	114
GOSPEL, IN THE COMMUNION OFFICE ...	82	So of the Celebrant.....	117
By whom and where read.....	82	L.	
H.		LAITY.	
HOLY DAYS.		Province of in choice of Bishops....	295
Fixed by convocation.....	20	LEVITICAL DEGREES. See Canons of	
Statute adopting them.....	20	1603, Section 36.	
Notice to be given.....	83	License to Cranmer of 1547.	6
Recital in statute Edward VI. as to ..	83	No assumption of Spiritual func-	
Table of	84	tions.....	7
HOLY TABLE.		THE LITANY.	
Rubric as to.....	69	Proceedings in framing.....	8
Covering of.....	70	Part of the Prymer for 150 years....	9
Position of.....	71	Applied to Office in processions....	9
North and right side of.....	77	Revision of by Cranmer, 1544.....	10
Material of.....	175	What omitted in subsequent Books..	10
Wood, by English decisions.....	175	LIGHTS ON THE ALTAR.	
Of what in Jewish and Eastern		Held unlawful by Judicial Commit-	
Churches.....	176	tee.....	160
In France, Canon of A.D. 500.....	176	Grounds of such decision.....	161
Wooden chiefly in England till 1071..	177	Directions in use of Sarum and the	
Of stone under Uses and Book of 1549	177	Missal,	161
Reasons for considering the latter in		The injunctions of Edward VI., 1547.	161
force.....	177	Were superseded, if ever valid.....	161
Altar a meaning distinct from immo-		Necessarily forbidden by Book of	
lation.....	181	1549.....	162
Conclusion, that they are not forbid-		The argument of Bishop Hopkins....	163
den.....	181	Manifestly unlawful in our Church..	166
HOMILIES.		M.	
Book of 1547 and of 1562.....	7	MARGINAL RUBRICS IN COMMUNION	
Recognized by convocation.	8	OFFICE.....	113
By whom prepared.....	8	Forms in the Scottish Office.....	113
How considered in American Church.	8	Omitted in Book of 1552 and 1559...	114

	PAGE		PAGE
MARGINAL RUBRICS, ETC.		ORDERS.	
Yet observed; restored in 1662.....	114	Episcopal necessary at least for min-	
MATERIAL OF THE HOLY TABLE. See		istering in our Church.....	266
Holy Table.		Statement of authorities.....	266
Meaning of Terms.....	1	Our Constitution Canons, etc.....	266
MINISTER.		Articles 32, 23, and 19.....	269
Position of in Ante-Communion Of-		Examination of.....	269
fice.....	74	Mr. Goode's and other conclusions..	271
Not to be in the Desk.....	75	Opinions of sixteen writers on the	
But at the right side of the Table. 76, etc.		Articles.....	272-279
MIXTURE OF WATER AND WINE.....	143	One only that non-Episcopal Ordina-	
Held unlawful by English Courts.....	143	tion is valid for ministering in the	
Water alone held heretical.....	144	Church.....	280
Mixture practised in Eastern Church..	144	Views of Bishops and others from	
And generally in Western.....	144	Reformation to 1571.....	281
Not held essential.....	144	Examination of Section 1, Act of	
Very little water allowed.....	145	Elizabeth.....	283
Allowed in Book of 1549.....	145	Never sanctioned by Convocation....	286
Unlawful as part of the Office....	146, etc.	Document of 1569 as to power of	
Mixed wine used at the Institution..	146	Crown.....	287
No sufficient proof of the act there. .	149	Authorities from 1571 to 1606.....	288
N.		Result, that for ministering in Church	
NON-COMMUNICANTS. Disposal of....	138	of England Episcopal Ordination	
Notice of intent to Commune.....	60	essential.....	288
" Holy Days to be given.....	83	Ministerial Ordination for other	
Number necessary for a Communion..	136	Churches not expressly denounced..	288
O.		History of the Canons upon the sub-	
OBLATIONS. Meaning of term.....	91	ject in the American Church.....	290
Alms proper. The elements and pray-		Case in Rhode Island.....	290
ers offered.....	92	Opinions of American Divines.....	291
Oblation in the Communion Office.		Province of the Laity in the choice of	
See Consecration.		Bishops.....	295
OFFERINGS OF THE PEOPLE.		In Ancient Church.....	295
" Bread, Wine, etc., in		By Councils and Novels of Justin-	
each Church.....	87	ian.....	296
Distribution of by Minister.....	87	Course of our own Church analo-	
OFFERTORY.		gous.....	298
Rubric as to.....	84	ORDERING THE ELEMENTS BEFORE CON-	
Sentences to be read.....	84	SECRATION.....	102
On a collection without Communion.	87	Admitted posture in front for part...	103
ORDERS.		Question as to its continuance exam-	
Act of 13 Elizabeth, subscription for.	26	ined.....	103
Construction of as to foreign Orders.	26	English Decisions contradictory....	105
Covered Romish Ordinations.....	27	Last enjoins a return to North side	
Reference to English Ordinal.....	263	after ordering.....	105
Action of Convention, 1792.....	263	Reasons against this conclusion.....	106
Ordination Office established.....	263	ORIGINAL OF 1550.....	17
First Ordination under it.....	263	Revision of 1552.....	17
Nearly identical with English Form.	264	Differences from Romish Forms	17
Prior Canons as to Orders.....	264	ORNAMENTS. Statute and Rubric as to.	
Ordinations under them.....	264	In force in England as to those of the	
The necessity for Episcopal Ordina-		Church.....	133
tion.....	265	Not as to those of the Minister.....	133
Preface to Book of Common Prayer..	265	Enumeration of what has been ad-	
The propositions concerning Orders.	265	judged illegal.....	134
		Position of American Church as to...	135
		See Vestments.	

P.	PAGE	RITUAL.	PAGE
PLACING THE ELEMENTS ON THE TABLE	88	Action as to in 1868, 1871.....	48
The Minister alone to do it.....	88	Remarks upon.....	54
Credence Table warranted.....	89	Effect of English decisions as to.....	55
Posture on reception of people.....	114	ROMISH BOOKS.	
Of the Celebrant.....	114	Abolished by statute of 1550.....	16
Examination of authorities.....	115		
Kneeling the proper posture.....	117	S.	
PRAYER-BOOK.		STATUTES.	
See Book of Common Prayer.		General Repealing Act of 1547.....	12
Prayer for the Church Militant.....	89	Annulment of Barbarous Statutes	
In Book of 1549 part of the Consecra-		thereby.....	12
tion.....	89	Act of 1549 as the first Prayer-Book..	14
Except one sentence, identical with		Act of 1550 abolishing Romish Books.	16
what is in our Office.....	89	Act of 1552 for Second Book.....	18
Some passages of 1549 omitted.....	90	Repealing Act of Mary.....	23
Prayers for the Dead. English Doc-		Statutes for punishing Heretics re-	
trine.....	90	vived.....	23
In Liturgy of St. John Chrysostom..	91	Statute of 1 Elizabeth restoring jurisdic-	
Prayer of Access.....	100	tion.....	23
PREFACES TO COMMUNION OFFICE.....	99	Act of Uniformity, 1559.....	24
Five in number.....	99	Observations upon.....	25
Retained out of ten of Romish Books	100	Full restoration of Book of 1552 with	
PROCESSIONS. Nature of.....	9	alterations ..	25
To what extent condemned.....	10	And so of Book of 1549 except as	
PROMISSION. Writ of.		varied.....	26
Remonstrance of the Clergy in reign		Statute as to sound Religion, 13 Eliza-	
of James.....	27	beth	26
		Repealing Act of James I.....	28
Q.		Statute of Uniformity Charles II., 1662	28
QUIRE.		Statute of 5 Anne, 1706 ..	30
The place for beginning of the Prayers		SUMMARY OF THE LAW AND PROPHECIES..	81
in Book of 1549.....	71	SUNSUM CORDA.	
Departure from of non-communi-		Of Communion Office.	97
cants in Book of 1549.....	139	Derived from Use of Sarum.....	97
		Found in Eastern Liturgies.....	97
R.		T.	
REVERENCES IN GENERAL.		TABLE. See Holy Table.	
Article of Ceremonies in Book of 1549.	181	TE IGITUR.....	98
Discretion there allowed superseded.	182	TER SANCTUS.	
Gestures, etc., regulated, and none		Taken from Eastern Offices.....	98
others allowable.....	182	Distinction of parts in Book of 1549..	99
REIGN OF EDWARD VI. Remarks upon.	21	THE THANKSGIVING.	
The labors of Cranmer in	22	In Communion Office.....	121
The fullness of his Reformation.....	22	Similar in Book of 1549	121
REPELLING FROM THE COMMUNION.		And in Ancient Liturgies.....	121
See Evil Livers.		That in the Sarum Use.....	121
RITES. Meaning of Term.....	2	U.	
RITUAL. Meaning of.....	1	USES. Use of Sarum.....	5
Ritual Law. Source of.....	4	V.	
Consent of Church essential.....	4-31	VESTMENTS.	
Found in Revisory Legislation.....	5	The ornaments of Ministers.....	183
Progress of this before 1547.....	5	Rubric as to, of 1549.....	183
Convocation representative of En-		Vestments then sanctioned	183
glish Church.....	32		
Could not depute its power.....	32		
But subsequent ratification good.....	32		

	PAGE		PAGE
VESTMENTS.		VESTMENTS.	
Rubric of 1552 altered this.....	183	Except on Communion Days.....	189
Statute of Elizabeth, 3d Rubric.....	184	Vestments in the Eastern Church....	190
Decision that the Rubric of 1549 is superseded as to Vestments.....	184	Resemblance of present to those of the earliest antiquity.....	191
Surplices in general use.....	184		
The late decision forbids a Gown....	186	W.	
Rubric omitted in our Church.....	187	WORDS ON DELIVERING THE ELEMENTS.	
Book of 1552. Canons and Customs govern.....	187	By the Minister to others.....	117
Conclusions. A Surplice proper in all ministrations.....	189	Responsive <i>Amen</i> often found.....	117
A Gown permissible in preaching....	189	In Liturgy of St. Chrysostom.	117
		The words on Minister's Reception..	118

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